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Personalities and Aggressions of Mr. Butler.

SPEECH OF HON. HENRY WILSON,

OF MASSACHUSETTS,

IN THE SENATE OF THE UNITED STATES,

JUNE 13, 1856.

Mr. BUTLER having concluded the speech which he commenced yesterday, assailing the State of Massachusetts and Mr. SUMNER, Mr. WILSON obtained the floor, and spoke as follows:

Mr. PRESIDENT: I feel constrained, by a sense of duty to my State, by personal relations to my colleague and friend, to trespass for a few moments upon the time and attention of the Senate.

You have listened, Mr. President—the Senate has listened—these thronged seats and these crowded galleries have listened, to the extraordinary speech of the honorable Senator from South Carolina, which has now run through two days. I must say, sir, that I have listened to that speech with painful and sad emotions. A Senator of a sovereign State, more than twenty days ago, was stricken down senseless on the floor for words spoken in debate. For more than three weeks he has been confined to his room upon a bed of weakness and of pain. The moral sentiment of the country has been outraged, grossly outraged, by this wanton assault, in the person of a Senator, on the freedom of debate. The intelligence of this transaction has flown over the land, and is now flying abroad over the Civilized world; and wherever Caristianity has a foothold, or civilization a resting place, that act will meet the stern condemnation of mankind.

Intelligence comes to us, Mr. President, that a civil war is raging beyond the Mississippi—intelligence also comes to us that upon the shores of the Pacific Lynch Law is again organized—and the telegraph brings us news of assaults and murders around the ballot-boxes of New Orleans, growing out of differences of opinion and of interests. Can we be surprised, sir, that these scenes, which are disgracing the character of our country and our age, are rife, when a venerable Senator—one of the oldest members of the Senate, and chairman of its Judiciary Committee—occupies four hours of the important time of the Senate in vindication of, and apology for, an assault unparalleled in the history of the country? If lawless violence here, in this Chamber, upon the person of a Senator, can find vindication—if this outrage upon the freedom of debate finds apology from a veteran Senator—why may not violent counsels elsewhere go unrebuked?

The Senator from South Carolina commenced his discursive speech by an allusion to the present condition of my colleague, which I cannot say exhibited good taste. I know it personally to be grossly unjust, because I know that for more than twenty days—three weeks—Mr. SUMNER has been compelled to lie upon a bed of pain, from the effects of blows received by him here in the Senate Chamber.

The Senator from South Carolina, I am aware, referred to the evidence of a medical person, who was accidentally employed in the early stages of the case, but who has not seen Mr. SUMNER lately. I have in my hands the testimony of his present medical adviser, a distinguished physician of this city, who has been selected for his known talents and character, and who *understands* his present condition. The Secretary will please to read his letter, which I now send to the desk.

The Secretary read as follows:

C STREET, *June* 12, 1856.

DEAR SIR: In answer to your inquiries, I have to state that I have been in attendance on the Hon. Charles Sumner, as his physician, on account of the injuries received by him in the Senate Chamber, from the 29th of May to the present time—part of this time in consultation with Dr. Perry, of Boston, and Dr. Miller, of Washington.

I have visited him at least once every day. During all this time, Mr. Sumner has been confined to his room, and the greater part of the day confined to his bed.

NEITHER AT THE PRESENT MOMENT, *nor at any time since Mr. Sumner's case came under my charge*, HAS HE BEEN IN A CONDITION TO RESUME HIS DUTIES IN THE SENATE.

My present advice to him is to go into the country, where he can enjoy fresh air; and I think it will not be prudent for him to enter upon his public duties for some time to come.

Very respectfully, your obedient servant,

H. LINDSLY.

Hon. HENRY WILSON.

Mr. WILSON. Mr. President, this is the testimony of Dr. Lindsly, known by members of the Senate, and others around me, to be an eminent physician of Washington. I will say that Mr. SUMNER, and Mr. SUMNER'S friends, when he was first assailed, under-estimated altogether the force of the assault. He is a man of great physical power, in full vigor and maturity, and in the glow of health. For a day or two after that assault, he believed, and his friends believed, that he would soon throw off its effects; but time disclosed the extent and force of his injuries, while he was doomed to hours of restless, sleepless pain. Dr. Perry, of Boston, a gentleman of great professional eminence, accidentally in Washington, expressed the strongest solicitude concerning his case. To his skill and advice I believe my colleague and his friends are under the deepest obligations. His testimony before the committee is the testimony of one who knows what he affirms. But I pass from this topic.

The Senator from South Carolina, through this de-

bate, has taken occasion to apply to Mr. SUMNER, to his speech, to all that concerns him, all the epithets——

Mr. BUTLER. I used criticism, but not epithets.

Mr. WILSON. Well, sir, I accept the Senator's word, and I say "criticism." But I say, in his criticism, he used every word that I can conceive a fertile imagination could invent, or a malignant passion suggest. He has taken his full revenge here on the floor of the Senate—here in debate—for the remarks made by my colleague. I do not take any exception to this mode. This is the way in which the speech of my colleague should have been met—not by blows—not by an assault.

The Senator tells us that this is not, in his opinion, an assault upon the constitutional rights of a member of the Senate. He tells us that a member cannot be permitted to print and send abroad over the world, with impunity, his opinions; but that he is liable to have them questioned in a judicial tribunal. Well, sir, if this be so—he is a lawyer, I am not—I accept his view, and I ask, why not have tested Mr. SUMNER'S speech in a judicial tribunal, and let that tribunal have settled the question whether Mr. SUMNER uttered a libel or not? Why was it necessary—why did the "chivalry" of South Carolina require that, for words uttered on this floor, under the solemn guarantees of constitutional law, a Senator should be met here by violence? Why appeal from the floor of the Senate, from a judicial tribunal, to the bludgeon? I put the question to the Senator—to the "chivalry" of South Carolina—ay, to "the gallant set," to use the Senator's own words, of "Ninety-Six"—why was it necessary to substitute the bludgeon for the judicial tribunal?

Sir, the Senator from South Carolina—and, in what I say to him to-day, I have no disposition to say anything unkind or unjust, and if I utter any such word I will withdraw it at once—told us that, when my colleague came here, he came holding fanatical ideas, but that he met him, offered him his hand, and treated him with courtesy, supposing, as in other cases which had happened under his eye, that acquaintance with Southern gentlemen might cure him of his fanaticism. He gravely told us that his courtesy and attentions introduced Mr. SUMNER where he could not otherwise have gone. The Senator will allow me to say that this is not the first time during this session we have heard this kind of talk about "social influence," and the necessity of association with gentlemen from the South, in order to have intercourse with the refined and cultivated society of Washington. Sir, Mr. SUMNER was reared in a section of country where men know how to be gentlemen. He was trained in the society of gentlemen, in as good society as could be found in *that* section of the country! He went abroad. In England and on the Continent, he was received everywhere, as he had a right to be received, into the best social circles, into literary associations, and into that refined and polished society which adorns and graces the present age in western Europe. I do not know where any gentleman could desire to go, that Mr. SUMNER could not go without the assistance of the Senator from South Carolina, or any other person on this floor. Sir, we have heard quite enough of this. It is a piny-wood doctrine—a plantation idea. Gentlemen reared in refined and cultivated society are not accustomed to this language, and never indulge in its use towards others.

The Senator from South Carolina commenced his speech by proclaiming what he intended to do, and he closed it by asserting what he had done. Well, sir, I listened to his speech with some degree of attention, and I must say that the accomplishment did not come quite up to what was promised; and that, without his assurance, the Senate and the country would never have supposed that his achievements amounted to what he assured us they did in this debate.

The Senator complained of Mr. SUMNER for quoting the Constitution of South Carolina; and he asserted over and over again, and he winds up his speech by the declaration, that the quotation made is not in the Constitution. After making that declaration, he read the Constitution, and read the identical quotation. Mr. SUMNER asserted what is in the Constitution, but there is an addition to it which he did not quote. The Senator might have complained because he did not quote it; but the portion not quoted carries out only the letter and the spirit of the portion quoted. To be a member of the House of Representatives of South Carolina, it is necessary to own a certain number of acres of land, and ten slaves, or seven hundred and fifty dollars of real estate, free of debt. The Senator declared with great emphasis—and I saw nods, Democratic nods, all around the Senate—that "a man who was not worth that amount of money was not fit to be a Representative!" That may be good Democratic doctrine—it comes from a Democratic Senator, of the Democratic State of South Carolina, and received Democratic nods and Democratic smiles—but it is not in harmony with the Democratic ideas of the American people.

The charge made by Mr SUMNER was, that South Carolina was nominally republican, but in reality had aristocratic features in her Constitution. Well, sir, is not this charge true? To be a member of the House of Representatives of South Carolina, the candidate must own ten men—yes, sir, ten men—five hundred acres of land, or have seven hundred and fifty dollars of real estate, free of debt; and to be a member of the Senate double is required. This Legislature, having these personal qualifications, placing them in the rank of a privileged few, are elected upon a representative basis as unequal as the rotten-borough system of England in its most rotten days. That is not all. This Legislature elects the Governor of South Carolina and the Presidential Electors. The people have the privilege of voting for men with these qualifications, upon this basis, and they select their Governor for them, and choose the Presidential electors for them. The privileged few govern; the many have the privilege of being governed by them.

Sir, I have no disposition to assail South Carolina. God knows that I would peril my life in defence of any State of this Union, if assailed by a foreign foe. I have voted, and I will continue to vote, while I have a seat on this floor, as cheerfully for appropriations, or for anything that can benefit South Carolina, or any other State of this Union, as for my own Commonwealth of Massachusetts. South Carolina is a part of my country. Slaveholders are not the tenth part of her population. There is somebody else there besides slaveholders. I am opposed to its system of Slavery, to its aristocratic inequalities, and I shall continue to be opposed to them; but it is a sovereign State of this Union—a part of my country—and I have no disposition to do injustice to it.

The Senator assails Mr. SUMNER for referring to the effects of Slavery upon South Carolina in the Revolutionary era. What Mr. SUMNER said in regard to the imbecility of South Carolina, produced by Slavery, in the Revolution, is true, and more than true—yes, sir, true, and more than true. I can demonstrate its truth by the words and correspondence of General Greene, by the words and correspondence of Governor Matthews, General Barnwell, General Marion, Judge Johnson, Dr. Ramsey the historian, Mr. Gadsden, Mr Burke, Mr. Huger, and her Representatives who came to Congress, and asked the nation to relieve her from her portion of the common burdens, because it was necessary for her men to stay at home to keep her negro slaves in subjection.

These sons of South Carolina have given to the world the indisputable evidence that Slavery impaired the power of that State in the war of Independence.

The Senator told us that South Carolina, which furnished one fifteenth as many men as Massachusetts, in the Revolution, "shed hogsheads of blood where Massachusetts shed gallons." That is one of the extravagances of the Senator—one of his loose expressions, absurd and ridiculous to others—one of that class of expressions which justify Mr. SUMNER in saying that "he cannot ope his mouth, but out there flies a blunder." This is one of those characteristics of the Senator which naturally arrested the attention of a speaker like Mr. SUMNER, accustomed to think accurately, to speak accurately, to write accurately, and to be accurate in all his statements. I say that such expressions as those in which the Senator from South Carolina has indulged in reference to this matter are of the class in which he too often indulges, and which brought from my colleague that remark at which he takes so much offence. But enough of this.

Sir, the Senator from South Carolina has undertaken to assure the Senate and the country, to-day, that he is not the aggressor. Here and now I tell him that Mr. SUMNER was not the aggressor; that the Senator from South Carolina was the aggressor. I will prove this declaration to be true beyond all question. Mr. SUMNER is not a man who desires to be aggressive towards any one. He came into the Senate "a representative man." His opinions were known to the country. He came here knowing that there were but few in this body who could sympathize with him. He was reserved and cautious. For eight months here he made no speeches upon any question that could excite the animadversion even of the sensitive Senator from South Carolina. He made a brief speech in favor of the system of granting lands for constructing railways in the new States, which the people of those States justly applauded; and I will undertake to say that he stated the whole question briefly, fully, and powerfully. He also made a brief speech, welcoming Kossuth to the United States But, beyond the presentation of a petition, he took no steps to press his earnest convictions upon the Senate; nor did he say anything which could, by possibility, disturb the most excitable Senator.

On the 28th day of July, 1852, after being in this body eight months, Mr. SUMNER introduced a proposition to repeal the Fugitive Slave Act. Mr. SUMNER and his constituents believed that act to be not only a violation of the Constitution of the United States, and a violation of all the safeguards of the common law which have been garnered up for centuries to protect the rights of the people, but at war with Christianity, humanity, and human nature—an enactment that is bringing upon this Republic the indignant scorn of the Christian and civilized world. With these convictions, he proposed to repeal that act, as he had a right to propose. He had made no speech. He rose and asked the Senate to give him the privilege of making a speech. "Strike, but hear," said he—using a quotation. I do not know that he gave the authority for it. Perhaps the Senator from South Carolina will criticise it as a plagiarism—as he has criticised another application of a classical passage. Mr. SUMNER asked the privilege of addressing the Senate. The Senator from South Carolina, who now tells us that he had been his friend, an old and veteran Senator here, instead of feeling that Mr. SUMNER was a member standing almost alone, with only the Senator from New York, [Mr. SEWARD,] the Senator from New Hampshire, [Mr. HALE,] and Governor Chase, of Ohio, in sympathy with him—objected to his being heard. He asked Mr. SUMNER, tauntingly, if he wished to make an "oratorical display?" and talked about "playing the orator" and "the part of a parliamentary rhetorician." These words, in their scope and in their character, were calculated to wound the sensibilities of a new member, and perhaps bring upon him what is often brought on a member who maintains here the great doctrines of Liberty and Christianity—the sneer and the laugh under which men sometimes shrink.

Thus was Mr. SUMNER, *before he had ever uttered a word on the subject of Slavery here*, arraigned by the Senator from South Carolina, not for what he ever had said, but for what he intended to say; and the Senator announced that he must oppose his speaking, because he would attack South Carolina. Mr. SUMNER quietly said that he had no such purpose; but the Senator did not wish to allow him to "make the Senate the vehicle of communication for his speech throughout the United States, to wash deeper and deeper the channel through which flow the angry waters of agitation."

Now, I charge here on the floor of the Senate, and before the country, that the Senator from South Carolina was the aggressor; that he arraigned, in language which no man can defend, my colleague, before he ever uttered a word on this subject on the floor of the Senate, and in the face of his express disclaimer that he had no purpose of alluding to South Carolina. This was the beginning; other instances follow.

Mr. SUMNER made, in February, 1854, a speech on the Kansas-Nebraska bill, and I want to call the attention of the Senate to the manner in which he opened that speech. No man will pretend that up to that day he had ever uttered a word here to which any, the most captious, could take objection. He commenced this magnificent speech, which any man within sound of my voice would have been proud to have uttered, by saying:

> I would not forget those amenities which belong to this place, and are so well calculated to temper the antagonism of debate; nor can I cease to remember and to feel, that, amidst all diversities of opinion, we are the representatives of thirty-one sister Republics, knit together by indissoluble ties, and constituting that Plural Unit, which we all embrace by the endearing name of country."

Thus, on that occasion, by those words of kindness, did he commence his speech, and he continued it to the end in that spirit. The effort then made might be open to opposition by argument; but there is no word there to wound the sensibilities of any Senator, or to justify any personal bitterness. And yet this speech, so cautious and guarded, and absolutely without any allusion to the Senator from South Carolina or his State, brought down upon him the denunciations and assaults of the Senator, who now complains that his own example has been in some measure followed. I intend to hold that Senator to-day to the record. Yes, sir, I have his words, and I intend to hold him responsible for them. I am accustomed to deal with facts, as that Senator will discover before I close.

A few days after this speech was delivered, the Senator from South Carolina addressed the Senate, then, as now, in a long speech, running through two days. You will find his speech in the *Congressional Globe, pp.* 232—240. Sir, you must read that speech, read it all through, look at it carefully, consider its words and its phrases, to understand the tone he evinced towards Mr. SUMNER and towards Massachusetts and the Northern men who stood with him. I need not say that there were bitter words, taunting words, in the speech. I was not here to listen to it, but we all know—and I say it without meaning to give offence—that the Senator from South Carolina is often more offensive in the manner which he exhibits, and he throws more of contempt and more of ridicule in that manner than he can put in his words,

and he is not entirely destitute of the ability of using words in this connection

On page 232 we have the insinuation that Mr. SUMNER is a "plunging agitator"—that is the phrase, "plunging agitator." That is a plunging expression. I think it is one of these loose expressions that brought down on the Senator the censure of my colleague the other day. Then we have another insinuation, that he is a "rhetorical advocate;" and then these words: "He has not, in my judgment, spoken with the wisdom, the judgment, and the responsibilities, of a statesman." Now, sir, I doubt the propriety of applying to members of this body such phrases as these—"plunging agitator," "rhetorical advocate," and then to say he has not shown "the wisdom, the judgment, and the responsibilities of a statesman."

On page 234 he says of Mr. SUMNER: "It seems to me that, if he wished to write poetry, he would get a negro to sit for him." That is his expression, and the report says it was followed by "laughter"—whether laughter at Mr SUMNER, or at the refined wit of the Senator from South Carolina, I cannot say, not having been present

On page 236 he again alludes to a remark by Mr. SUMNER, saying, (to quote his own words,) "which I think even *common prudence or common decency* would have suggested to him that he ought not to have made."

On the same page, again alluding to Mr. SUMNER, he says:

"Our revolutionary fathers thought nothing of these *sickly distinctions* which gentlemen use now to make the South odious."

Again, on the same page, alluding to other remarks of Mr. SUMNER, he says:

"They may furnish materials for what I understand is a very popular novel—Uncle Tom's Cabin. I have no doubt they may do this, but I put it to the gentleman, *are his remarks true?*"

"Are his remarks true?" was the question, full of insolence and of accusation, put to Mr. SUMNER in the face of the Senate.

And again he says:

"They dealt some hard licks, *but they are not true as historical facts.*"

So you will perceive Mr SUMNER was not the first man to raise this question of truth and veracity on the floor of the Senate.

On the same page the Senator from South Carolina made a mis-statement of a fact, which was promptly corrected by Mr. SUMNER, and by General Shields, then a member of the Senate.

On page 237 there are insinuations made of "pseudo-philanthropy," and also insinuations of "*mere* eloquence—professions of philanthropy, a philanthropy of adoption more than affection" Yes, sir, according to the Senator from South Carolina, the Senator from Massachusetts, and those who think with him, have "adopted" their philanthropy—it is not the "philanthropy of affection, but of adoption!" "A philanthropy that professes much, and does nothing, with a long advertisement and short performance." These are expressive words, and the Senator from South Carolina should remember that these words, uttered with the peculiar forms which he affects, are anything but calculated to be complimentary to my colleague or any other Senator

On the same page, allusions which, from the context, are in the nature of insinuations, are made against Mr. SUMNER and his associates, as to "those who stand aloof and hold up an ideal standard of morality, emblazoned by imagination and sustained in ignorance, or *perhaps more often planted by criminal ambition and heartless hypocrisy*"

"Criminal ambition and heartless hypocrisy" are the terms used by the Senator from South Carolina, in application to Senators on this floor, and to a large portion of the country which concurs with them!

On page 239, he taunts gingerly speaks of a "machine," in reference to the people who hold Mr. SUMNER's opinions, "oiled by Northern fanaticism." I do not know what kind of a machine that is—a machine "oiled by Northern fanaticism." The Senator who uses these phrases towards members of this body, and towards a section of the Union, is a Senator who tries to make us believe that he is a man who comprehends the whole country and all its interests, and who has nothing in him of the spirit of a sectional agitator! He takes great offence because my colleague holds him up as one of the chieftains of sectional agitation I think my colleague is right; that the Senator from South Carolina *is* one of the chieftains of a *sectionalism* at war with the fundamental ideas that underlie our Democratic institutions, and at war with the repose and harmony of the country.

On page 234, he again talks about "sickly sentimentality;" and he charges that this "sickly sentimentality now governs the councils of the Commonwealth of Massachusetts." Yes, sir, the Senator from South Carolina makes five distinct assaults upon Massachusetts. Massachusetts councils governed by sickly sentimentality! Sir, Massachusetts stands to-day where she stood when the little squad assembled, on the 19th of April, 1775, to fire the first gun of the Revolution The sentiments that brought those humble men to the little green at Lexington, and to the bridge at Concord—which carried them up the slope of Bunker Hill, and which drove forth the British troops from Boston, never again to press the soil of Massachusetts—that sentiment still governs the counsels of Massachusetts, and rules in the hearts of her people The feeling which governed the men of that glorious epoch of our history is the feeling of the men of Massachusetts of to-day.

Those sentiments of liberty and patriotism have penetrated the hearts of the whole population of that Commonweal h. Sir, in that State, every man no matter what blood runs in his veins, or what may be the color of his skin, stands up before the law the peer of the proudest that treads her soil. This is the sentiment of the people of Massachusetts. In equality before the law they find their strength They know this to be right, if Christianity is true, and they will maintain it in the future as they have in the past; and the civilized world, the coming generations, those who are hereafter to give law to the universe, will pronounce that in this contest Massachusetts is right, inflexibly right, and South Carolina, and the Senator from South Carolina, wrong. The latter are maintaining the odious relics of a barbarous age and civilization—not the civilization of the New Testament—not the civilization that is now blessing and adorning the best portions of the world.

On page 234, he says:

"At the time of the passage of the law in Massachusetts abolishing Slavery, pretty near all the grown negroes disappeared somewhere; and, as the historian expresses it, the little negroes were left there, without father or mother, and with hardly a God; were sent about as puppies, to be taken by those who would feed them"

Now, sir, the Constitution of Massachusetts was framed and went into operation in 1780. The Supreme Court decided that, by the provisions of that Constitution, slaves could not be held as bondmen in the Commonwealth Slavery was abolished by judicial decision—abolished at once, without limitation, without time to send men out of the State It may be that some mean Yankee in Massachusetts—and God never made a meaner man than a mean Yankee [laughter]—may have hurried his slave out of that Commonwealth, and sold him into bondage.

But Massachusetts, by one stroke of the pen of the Supreme Court, abolished Slavery forever in that State, and the slaves became freemen. They and their descendants are there to-day—as intelligent as the average people of the United States, many of them being men that grace and adorn the State which, by just and equal laws, protects them in the enjoyment of all their rights—men whom I am proud here to call my constituents, and some of whom I recognise as my friends.

On page 236, he introduced statistics into his speech, in regard to pauperism, insanity, and drunkenness, in disparagement of Massachusetts. This introduction called up Mr. Everett to respond for his State; and if gentlemen are anxious to know what he said, they have but to turn to the debates of that day, and read the words of a man always to be comprehended, whatever his opinions may be.

On page 240, it will be found that the Senator from South Carolina asserts that Massachusetts has been an "anti-nigger State." This is the classic phrase of the Senator from South Carolina. He said that Massachusetts was an "anti-nigger State," and that "when she had to deal with these classes of persons practically, her philanthropy became very much attenuated." Attenuated philanthopy! These are the words of the Senator who never makes assaults, who is never the aggressor! They were in reply to a speech which made no personal assault upon the Senator or upon his State. These remarks were made in regard to the Commonwealth of Massachusetts.

And, again, still anxious to make his lunge at Massachusetts, on page 240, he repeats the accusation that Massachusetts "treated her little slaves as puppies."

To all those *personal* allusions of the Senator, Mr SUMNER made no reply. He did reply for his State, and replied fully, as the occasion required, and in a manner contrasting by its moderation and its decency with that of the Senator from South Carolina. I have references to other passages in that speech by the Senator from South Carolina, but I shall not weary the Senate by quoting them. They are of the same nature and character. In this same speech, however, not content with assailing Mr. SUMNER, he went on to attack the honorable Senator from New York, [Mr SEWARD,] and he compared him to "the condor that soars in the frozen regions of ethereal purity, yet lives on garbage and putrefaction!" This is the language of an honorable Senator, who prides himself upon his elegant diction, and whose friends plume themselves upon the exceeding care with which he turns his phrases in debate.

For some time, I have been giving elegant extracts from a single speech of the Senator from South Carolina. I come here to another. On the 14th of March, 1854, he assailed the three thousand clergymen of New England who had sent their remonstrance here against the passage of the Nebraska bill. He declared "they deserved the grave censure of the Senate." Sir, I have great respect for the Senate of the United States, and I have respect for these three thousand clergymen. I suppose they care more for their own opinions, and the approbation of their own consciences, than even for the grave censure of this Senate.

He then went on to make use of one of those loose expressions, for which Mr. SUMNER censured him the other day so severely. He employed this language: "I venture to say that they [the clergymen] never saw the memorial they sent;" thus directly charging the religious teachers of our country with palming on the Senate a spurious document.

To this attack of the Senator from South Carolina, and others, on the clergy of New England, a portion of Mr. SUMNER'S reply may be given as an illustration of the parliamentary character and perfect temper of his discourse:

"There are men in this Senate justly eminent for eloquence, learning, and ability; but there is no man here competent, except in his own conceit, to sit in judgment on the clergy of New England. Honorable Senators who have been so swift with criticism and sarcasm might profit by their example. *Perhaps the Senator from South Carolina.* [Mr. BUTLER,] *who is not insensible to scholarship, might learn from them something of its graces.* Perhaps the Senator from Virginia, [Mr. MASON,] who finds no sanction under the Constitution for any remonstrance from clergymen, might learn from them something of the privileges of an American citizen. Perhaps the Senator from Illinois, [Mr. DOUGLAS,] who precipitated this odious measure upon the country, might learn from them something of political wisdom."

But this history of personalities is not complete. One of the greatest outbreaks is yet to come.

On the 26th June, 1854, my predecessor, Mr. Rockwell, presented a memorial, signed by four thousand citizens of Boston, asking for the immediate repeal of the Fugitive Slave Act. That memorial was severely attacked, and Mr. SUMNER rose to vindicate it. He was followed by the Senator from South Carolina, who made a succession of assaults and insinuations.

Among other things, he characterized Mr. SUMNER'S speech as "a species of rhetoric which is intended to feed the fires of *fanaticism* which he has helped to kindle in his own State—a species of rhetoric which is not becoming the gravity of this body."

And again, on the same page, the Senator says:

"When gentlemen rise and *flagrantly misrepresent* history, as that gentleman has done by a Fourth of July oration—by vapid rhetoric—by a species of rhetoric which, I am sorry to say, ought not to come from a scholar—a rhetoric with more fine color than real strength—I become impatient under it."

Here, it will be observed, is a direct charge that Mr. SUMNER had *flagrantly misrepresented* history, that his speech was "vapid rhetoric," and a "Fourth of July oration." The Senator displays great sensibility because Mr. SUMNER charges him, in guarded phrase, with "a deviation from truth, with so much of passion as to save him from the suspicion of intentional aberration." And yet, with unblushing assurance, he openly charges Mr. SUMNER with *flagrant misrepresentation*, without any of that apology of passion which Mr. SUMNER conceded to him. Nor is this the first or the last time in which the Senator did this.

Again, on the same page, he insinuates that Mr. SUMNER was a "rhetorician playing a part." This is a favorite idea of the polite Senator. And yet again, on page 1517, first column, he breaks forth in insinuations against Mr. SUMNER, as follows:

"I do not want any of these flaming speeches here—calculated to excite, merely—to feed a flame without seeing where it shall extend. No, sir; do not let us involve the country in a contest to be decided by mobs, infuriated by the *flaming speeches of servile orators.*"

This attack upon Mr. SUMNER is without a parallel in the records of the Senate; but the Senator from South Carolina was not alone in this outrage. He was assisted, I regret to say, by other Senators; particularly by the Senator from Virginia, [Mr. MASON,] by the then Senator from Indiana, [Mr. PETTIT;] but I do not quote their words, for I am now dealing with the Senator from South Carolina.

To all these, Mr. SUMNER replied fully and triumphantly, in a speech which, though justly severe throughout, was perfectly parliamentary, and which was referred to at that time, and has been often mentioned since, as a specimen of the greatest severity, united with perfect taste and propriety.

The above imputation which had been heaped upon him, with regard to the Constitution, was completely encountered, and his position vindicated, by

the authority of Andrew Jackson, and the still earlier authority of Thomas Jefferson. On this point, no attempt has ever been made to answer him.

In the course of this speech, alluding to the Senator from South Carolina, Mr. SUMNER used words which I now adopt, not only for myself on this occasion, but also as an illustration of his course in this controversy:

"It is he, then, who is the offender. For myself, sir, I understand the sensibilities of Senators from slaveholding communities, and would not wound them by a superfluous word. Of Slavery, I speak strongly, as I must; but thus far, even at the expense of my argument, I have avoided the contrasts, founded on details of figures and facts, which are so obvious between the free States and slaveholding communities;' especially have I shunned all allusion to South Carolina. But the venerable Senator, to whose discretion that State has intrusted its interests here, will not allow me to be still. God forbid that I should do injustice to South Carolina."

But the Senator from South Carolina was not to be silenced or appeased. He still returned to those personalities which flow so naturally and unconsciously from his lips. The early, bitter personal assaults were repeated. He charged Mr. SUMNER'S speech with being "unfair in statement." This is one of the delicate accusations of the Senator. The next is bolder. He charged Mr. SUMNER as "guilty of historical perversion." Pray, with what face, after this, can he complain of my colleague? But he seems determined still to press this imputation in the most offensive form, for he next charges my colleague with "*historical falsehood*, which the gentleman has committed in the fallacy of his *sectional* vision." It would be difficult to accumulate into one phrase more offensive suggestions; and yet the Senator now complains that he has had administered to him what he has so often employed himself.

All these are understood to have been accompanied by a manner more offensive than the words.

In these extracts you will see something of the Senator's insolence in contrast with the quiet manner of Mr. SUMNER, who, while defending his position, was perfectly parliamentary.

Other passages from the speech of the Senator might be quoted; but the patience of the Senate is well nigh exhausted by this long exhibition of personalities; therefore I will content myself with only one more. Here it is:

"I know, sir, he said the other day, that all he said was the effusion of an impulsive heart; but it was the effusion of his drawer. Talk to me about the effusions of the heart! What kind of effusions are those which escape from tables—from papers—played like cards sorted for the purpose? They are weapons prepared by contribution, and discharged in this body, with a view of gratifying the feelings of resentment and malice—with a view of wounding the pride of the State which I represent, and through her to stab the reputation of the other Southern States. *But, sir, we are above the dangers of open combat, and cannot be hurt by the assaults even of attempted assassination.*"

"We cannot be hurt by attempted assassination," exclaims the Senator from South Carolina!

Attempted assassination?

It ill becomes the Senator from South Carolina to use these words in connection with Massachusetts or the North. The arms of Massachusetts are Freedom, Justice, Truth? Strong in these, she is not driven to the necessity of resorting to "attempted assassination," either in or out of the Senate.

But the whole story is not yet told. I wish to refer to another assault made by the Senator, which I witnessed myself a few days after I took a seat in this body. On the 23d of February, 1855, on one of the last days of the last session, to the bill introduced by the Senator from Connecticut, [Mr. TOUCEY,] Mr. SUMNER moved an amendment, providing for the repeal of the Fugitive Slave Act. He made some remarks in support of that proposition. The Senator from South Carolina rose and interrupted him, saying, "I would ask him one question, which he, perhaps, will not answer *honestly*." Mr. SUMNER said, "I will answer any question." The Senator went on to ask questions, and received his answers; and then he said, speaking of Mr SUMNER, "I know he is not a tactician, and I shall not take advantage of the infirmity of a man who does not know half his time exactly what he is about." This is indeed extraordinary language for the Senator from South Carolina to apply to the Senator from Massachusetts. I witnessed that scene. I then deemed the language insulting; the manner was more so. I hold in my hands the remarks of the Louisville *Journal*, a Southern press, upon this scene. I shall not read them to the Senate, for I do not wish to present anything which the Senator may even deem offensive. I will say, however, that his language and his deportment to my colleague on that occasion were aggressive and overbearing in the extreme. And this is the Senator who never makes assaults! But not content with assaulting Mr. SUMNER, he winds up his speech by a taunt at "Boston philanthropy." Surely, no person ever scattered assault more freely.

I have almost done. But something has occurred this session which illustrates the Senator's manner. Not content with making his own speeches, he interrupted the Senator from Missouri, [Mr. GEYER,] and desired him to insert in his speech an assault on Massachusetts. Here are his words:

"I wish my friend would incorporate into his speech an old law of Massachusetts which I have found. I would remind my friend of an old league between the four New England States, made while they were colonies, expressly repudiating trial by jury for the reclamation of fugitive slaves. They called them 'slaves,' too, or rather 'fugitive servants,' and they say they shall be delivered upon the certificate of one magistrate."

Here is another instance of the Senator's looseness of assertion, even on law, upon the knowledge of which he has plumed himself in this debate. Sir, there were no slaves in Massachusetts at that day. The law alluded to was passed in 1643. It was not until 1646, three years afterward, that the first slaves were imported into Massachusetts from the coast of Africa, and these very slaves were sent back to their native land at public expense. The following is a verbatim copy of the remarkable statute by which these Africans were returned to Guinea, at the expense of the Commonwealth:

"The General Court, conceiving themselves bound by the first opportunity to bear witness against the heinous and crying sin of man-stealing, also to prescribe *such timely redress for what is past, and such a law for the future as may sufficiently deter all those belonging to us to have to do in such vile and most odious conduct, justly abhorred by all good and just men*, do order that the negro interpreter, with others unlawfully taken, be, by the first opportunity, at the charge of the Colony, for the present, sent to his native country of Guinea, and a letter with him, of the indignation of the Court thereabout, and justice thereof."

In the face of this act of 1646, the learned Senator from South Carolina wished his friend from Missouri to incorporate into his speech a false accusation against Massachusetts and the New England colonies. And he went so far as to assert that this old law contained an allusion to "slaves," when the word "slaves" was not mentioned, and "servants" only was employed.

Sir, I might here refer to the assault made by the Senator from South Carolina on the Senator from Iowa, [Mr. HARLAN,] in which he taunted that Senator with being a clergyman, and modestly told him, to the face of the country, that "he understood Latin as well as that Senator understood English!"

Mr. BUTLER. I never taunted any gentleman with being a clergyman; and the Senator from Iowa will not say so. I said that I had respect for his vo-

cation; but when he attempted to correct my speech, I put him right.

Mr. WILSON. Whether it was a taunt or not, the Senator disclaims its being so, and I accept the disclaimer; but I apprehend it was not intended as a compliment to the Senator from Iowa, or that it was received as such by that Senator, particularly when taken in connection with the other taunting assumption of the Senator from South Carolina, that he "understood Latin as well as that Senator understood English."

Thus has Mr. SUMNER been by the Senator from South Carolina systematically assailed in this body, from the 28th of July, 1852, up to the present time—a period of nearly four years. He has applied to my colleague every expression calculated to wound the sensibilities of an honorable man, and to draw down upon him sneers, obloquy, and hatred, in and out of the Senate. In my place here, I now pronounce these continued assaults upon my colleague unparalleled in the history of the Senate.

I come now to speak for one moment of the late speech of my colleague, which is the alleged cause of the recent assault upon him, and which the Senator from South Carolina has condemned so abundantly. That speech—a thorough and fearless exposition of what Mr. SUMNER entitled the "Crime against Kansas"—from beginning to end, is marked by entire plainness. Things are called by their right names. The usurpation in Kansas is exposed, and also the apologies for it, successively. No words were spared which seemed necessary to the exhibition. In arraigning the *Crime*, it was natural to speak of those who sustained it. Accordingly, the Administration is constantly held up to condemnation. Various Senators who have vindicated this Crime are at once answered and condemned. Among these are the Senator from South Carolina, the Senator from Illinois, [Mr. DOUGLAS,] the Senator from Virginia [Mr. MASON,] and the Senator from Missouri [Mr. GEYER.] The Senator from South Carolina now complains of Mr. SUMNER's speech. Surely, it is difficult to see on what ground that Senator can make any such complaint. The speech was indeed severe—severe as truth—but in all respects parliamentary. It is true that it handles the Senator from South Carolina freely, but that Senator had spoken repeatedly in the course of the Kansas debate, once at length and elaborately, and at other times more briefly, and foisting himself into the speeches of other Senators, and identifying himself completely with the *Crime* which my colleague felt it his duty to arraign. It was natural, therefore, that his course in the debate, and his position, should be particularly considered. And in this work, Mr. SUMNER had no reason to hold back, when he thought of the constant, and systematic, and ruthless attacks, which, utterly without cause, he had received from that Senator. The only objection which the Senator from South Carolina can reasonably make to Mr. SUMNER is, that he struck a strong blow.

The Senator complains that the speech was printed before it was delivered. Here, again, is his accustomed inaccuracy. It is true that it was in the printer's hands, and was mainly in type, but it received additions and revisions after its delivery, and was not put to press till then. Away with this petty objection! The Senator says that twenty thousand copies have gone to England. Here, again, is his accustomed inaccuracy. If they have gone, it is without Mr. SUMNER's agency. But the Senator foresees the truth. Sir, that speech will go to England; it will go to the continent of Europe; it has gone over the country, and has been read by the American people as no speech ever delivered in this body was read before. That speech will go down to coming ages. Whatever men may say of its sentiments—and coming ages will endorse its sentiments—it will be placed among the ablest parliamentary efforts of our own age, or of any age.

The Senator from South Carolina tells us that the speech is to be condemned, and he quotes the venerable and distinguished Senator from Michigan, [Mr. CASS.] I do not know what Mr. SUMNER could stand. The Senator says he could not stand the censure of the Senator from Michigan. *I could;* and I believe there are a great many in this country whose powers of endurance are as great as my own. I have great respect for that venerable Senator; but the opinions of no Senator here are potential in the country. This is a Senate of equals. The judgment of the country is to be made up on the records formed here. The opinions of the Senator from Michigan, and of other Senators here, are to go into the record, and will receive the verdict of the people. By that I am willing to stand.

The Senator from South Carolina tells us that the speech is to be condemned. It has gone out to the country. It has been printed by the million. It has been scattered broadcast amongst seventeen millions of Northern freemen who can read and write. The Senator condemns it; South Carolina condemns it; but South Carolina is only a part of this Confederacy, and but a part of the Christian and civilized world. South Carolina makes rice and cotton, but South Carolina contributes little to make up the judgment of the Christian and civilized world. I value her rice and cotton more than I do her opinions on questions of scholarship and eloquence, of patriotism or of liberty.

Mr. President, I have no desire to assail the Senator from South Carolina, or any other Senator in this body; but I wish to say now, that we have had quite enough of this asserted superiority, social and political. We were told, some time ago, by the Senator from Alabama, [Mr. CLAY,] that those of us who entertained certain sentiments fawned upon him and other Southern men, if they permitted us to associate with them. This is strange language to be used in this body. I never fawned upon that Senator. I never sought his acquaintance, and I do not know that I should feel myself honored if I had it. I treat him as an equal here—I wish always to treat him respectfully; but when he tells me or my friends that we fawn upon him or his associates, I say to him that I have never sought, and never shall seek, any other acquaintance than what official intercourse requires, with a man who declared, on the floor of the Senate, that he would do what Henry Clay once said "no gentleman could do"—hunt a fugitive slave.

The Senator from Virginia, not now in his seat, [Mr. MASON,] when Mr. SUMNER closed his speech, saw fit to tell the Senate that his hands would be soiled by contact with ours. The Senator is not here; I wish he were. I have simply to say that I know nothing in that Senator, moral, intellectual, or physical, which entitles him to use such language towards members of the Senate, or any portion of God's creation. I know nothing in the State from which he comes, rich as it is in the history of the past, that entitles him to speak in such a manner. I am not here to assail Virginia. God knows I have not a feeling in my heart against her or against her public men; but I do say it is time that these arrogant assumptions ceased here. This is no place for assumed social superiority, as though certain Senators held the keys of cultivated and refined society. Sir, they do not hold the keys, and they shall not hold over me the plantation whip.

I wish always to speak kindly towards every man in this body. Since I came here, I have never asked an introduction to a Southern member of the Senate, not because I have any feelings against them, for God knows I have not; but I knew that they believed I held opinions hostile to their interests, and I

supposed they would not desire my society. I have never wished to obtrude myself on their society, so that certain Senators could do with me, as they have boasted they did with others—refuse to receive their advances, or refuse to recognise them on the floor of the Senate. Sir, there is not a Coolie in the Guano Islands of Peru who does not think the Celestial Empire the whole Universe. There are a great many men who have swung the whip over the plantation who think they not only rule the plantation, but make up the judgment of the world, and hold the keys not only to political power, as they have done in this country, but to social life.

The Senator from South Carolina assails the resolutions of my State with his accustomed looseness, as springing from ignorance, passion, prejudice, excitement. Sir, the testimony before the House Committee sustains all that is contained in those resolutions. Massachusetts has spoken her opinions; and although the Senator has quoted the Boston *Courier* to-day—and I would not rob him of any consolation he can derive from that source—I know Massachusetts, and I can tell him that, of the one million two hundred thousand people of Massachusetts, you cannot find in the State one thousand—Administration office-holders included—who do not look with loathing and execration upon the outrage on the person of their Senator and the honor of their State. The sentiment of Massachusetts, of New England, of the North, approaches unanimity. Massachusetts has spoken her opinions. The Senator is welcome to assail them, if he chooses; but they are on the record. They are made up by the verdict of her people, and they understand the question, and from their verdict there is no appeal.

Mr. President, I have spoken freely; I shall continue always to speak freely. I seek no controversy with any man; but I shall express my sentiments frankly, and the more frankly because on this floor my colleague has been smitten down for words spoken in debate, and because there are those who, unmindful of the Constitution of their country, claim the right thus to question us.

After this speech of Mr. WILSON, Mr. BUTLER indulged in some discursive remarks, and ended by saying—

As I suppose the Senator [Mr. WILSON] is to be considered, in some sense, the historian of his State, I desire to ask him how many battles were fought in Massachusetts during the Revolutionary war?

Mr. WILSON. I will answer the Senator. The battles fought in Massachusetts during the Revolution were few, because they were not necessary. Our Massachusetts men met the enemy at Lexington, at Concord Bridge, at Bunker Hill, and on the heights of Dorchester. They would have met them on every spot in Massachusetts, but the enemy took good care right early to get and keep out of that State.

The Senator said yesterday, as I understood him, that "South Carolina had shed hogsheads of blood where Massachusetts had shed gallons," during the Revolution.

Mr BUTLER. On the battle-fields of the two States.

Mr. WILSON. I heard no such limitation. I understood the Senator to mean that South Carolina had contributed hogsheads of the blood of her sons, where Massachusetts had only contributed gallons, to the Revolution. Sir, South Carolina furnished five thousand five hundred soldiers; Massachusetts sixty-nine thousand; and they drove the enemy, and followed the enemy, and met the enemy on the battle fields of the Revolution, from the Northern to the Southern boundaries of the Republic—from the St. Lawrence to the St. Mary's. There were but few battles fought on the soil of Massachusetts, for the reason that the enemy thought it was safer to leave Massachusetts, and go to South Carolina. The British army thought it was not safe to be very near the battle-fields of Concord of Lexington, and of Bunker Hill, and it left Massachusetts, and took good care to keep out of a Commonwealth where friends always find a welcome, and foes are apt to find a grave.

During the Revolution, a portion of the people of South Carolina, the Gadsdens, the Rutledges, the Laurenses, the Sumters, the Marions, made as great sacrifices for the cause of independence as any patriots in any portion of the land; but the fact cannot be denied, and all these patriots, including even Marion, convict South Carolina of the fact, that she had a large class of Tories. There was a civil war in that State—and, more than that, thousands and tens of thousands of her sons sought protection under the British flag. When the army of Greene was starving, the British army in Charleston was receiving all that the fertile valleys of South Carolina could produce, carry into Charleston, and exchange for British gold. When Greene and his patriot army wanted oxen and horses to carry supplies, they were hustled off into the forest by people who had, to quote the words of General Greene to General Barnwell, "far greater attachment to their interests than zeal for the service of their country."

Mr. BUTLER. Let me ask the gentleman who fed Greene's army at that time?

Mr. WILSON. "Who fed Greene's army?" That army was hardly fed at all—at any rate, it was but poorly fed and scantily clothed. I apprehend sir, that Greene's army—like the schoolboy's whistle, that whistled itself—fed itself.

I have no disposition to assail the Senator's State I should blush if I could say aught against the patriots of South Carolina, or even cease to feel gratitude for their efforts—their prompt response to the patriots of my own State in the early days of the Revolution; but, sir, Gadsden, Burke, Marion, Ramsay, Barnwell, and the patriots of that period, have borne this evidence, that South Carolina was weakened in that contest by the existence of Slavery That was what Mr. SUMNER charged, and on a former occasion demonstrated; and that, I take it, no man here or elsewhere can deny.

The Senator tells us that he has complimented the battle-fields of Massachusetts, the fields of Lexington, Concord, and Bunker Hill. That Senator, and the constituents of that Senator, can stand upon those sacred spots, and breathe something of the spirit of Liberty that makes them immortal. He can utter his sentiments—sentiments so little in harmony with the gallant dead that sleep beneath those hallowed sods, or the living who now guard the under the protection of law and a public sentiment nurtured and sustained by free speech. I should be proud to tread the battle-fields of South Carolina hallowed by patriot blood. Yes, sir, it would afford me intense gratification to stand upon those stricken fields, so dear to every true American heart; but I do not know that I could do so without suppressing those cherished sentiments of liberty, for the vindication of which patriot blood was poured out at Camden, Guilford, Eutaw and Hobkirk Hill.

But all these allusions and reflections upon the history of the past afford me no gratification. I say to the Senator from South Carolina, that he, and I and all of us, had far better turn from the past, cease to reflect upon the services of our States in the Revolutionary era, and deal with the living questions which we must meet in this age—questions that involve great issues, involving the interests of our common country and the rights of human nature. He, and I, and all of us here, ought to strive to settle the great issues for the good of our common country and the whole people of the country, bond and free

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THE SUICIDE OF SLAVERY.

SPEECH

OF

HON. ELI THAYER, OF MASS.

Delivered in the House of Representatives, March 25, 1858.

It may be expected, Mr. Chairman, that at this time I should say something in defence of the Pilgrims, and of the State of Massachusetts; for they have been repeatedly assailed on this floor, within the last two weeks. But I shall make no defence. There are some things which I never attempt to defend. Among these are the Falls of Niagara, the White Mountains of New Hampshire, the Atlantic Ocean, Plymouth Rock, Bunker Hill, and the history of Massachusetts. Any man may assail either or all of them with perfect impunity, so far as I am concerned. Any words of disparagement or vituperation directed against either of these objects, by any assailant, excite in me feelings very different from those of indignation—whether the assailant comes with a bow as long as that of the bold Robin Hood, or with a bow of *shorter* range, like that of the gentleman from Alabama, [Mr. SHORTER.] [Laughter.] But I deprecate the disposition that impels these shafts against the sister States of this Confederacy. I deprecate this sectional animosity whenever and wherever I see it evinced. I have heard too much of the aggressions of the North and of the aggressions of the South, in the past, to be very much in love with either of these ideas. I have never been accustomed to speak of the aggressions of the slave power, and I have no purpose of doing it now or hereafter. If the one-hundredth part of the people of this country can make dangerous aggressions on the rights and interests of the other ninety-nine hundredth parts of the people, either by the force of strength or by the arts of diplomacy, I assure you that I will be the last man to complain of it. I think that this Slavery question is altogether too small a question to disturb so great a people as inhabit the United States of America.

For myself, I was always in favor of popular sovereignty, rightly so called. I am ready, for one, to agree to-day that the Territories belonging to this Government shall be open to settlement at any time when Congress thinks fit so to open them, and that the people of all parts of the country shall go into them with the assurance of *absolute and complete non-intervention;* with the assurance that whenever any chief Executive, official, or non-resident, shall interfere, by fraud or violence, in their affairs, he shall either be impeached or hanged; with the assurance that when the people shall have the ratio of representation required by law, and shall come to Congress with a Constitution republican in form, they shall be admitted into the Union as a State. This, sir, is popular sovereignty, and it is what was practiced in this country two centuries ago.

The people of the Plymouth colony had the privilege of choosing their own Governor, and of making their own laws. The same was true of the New Haven colony, and of the colony of the Providence Plantations. They always did it. I believe the Crown of England never appointed a Governor for these colonies; certainly not for the last two. But were those people, without ever having exercised the right of self-government, better prepared to govern themselves than are our people, educated under our State Governments, who go into our Territories? Why, then, should we continue to have an "Ahab to trouble Israel," while he lays the blame of his own misconduct upon the emigrant aid societies? Why not cut off these Territories from all connection with the General Government, legislative or executive? Then we shall have no more agitation in Congress, and no more contention in the Territories. But so long as this connection continues, so long as we have a President trying to bias, by his appointments, and perhaps by the United States troops, the will of the people, so long shall we have agitation, and we shall have enough of it.

Well, sir, I have nothing to find fault about. I am very well pleased with the present tendency of events. But, sir, there are those who are dissatisfied, and who are inclined to invoke a certain deity—I think a false deity—which presides over a portion of this Union; a deity which has been invoked by great men on great occasions, and by little men on little occasions, for a long time past—a deity in whose expected presence both the people and the politicians have sometimes stood aghast—"when he," in prospect only,

"from his horrid hair shook pestilence and war." This sulphurous god is Disunion. This Capitol Hill has been a veritable Mount Carmel for the last quarter of a century, upon which experiments have been tried with this bogus deity. *One day* upon Mount Carmel was sufficient to determine the destiny of Baal and his prophets. But here, we, the most patient people in the world, witness these invocations *year after year*, with exemplary endurance, expecting that the great Is-to-be will some time come. And you and I, Mr. Chairman, even during the present session of Congress, have witnessed attempts to kindle here the fires upon the altar of Southern rights. But the sacrifice, the altar, and the spectators, were as cold as alabaster. The prophets only were warm; but they were warm, not from the presence of the god, but from his absence. He does not make his appearance. The great Is-to-be does not come. He has either gone on a very long journey, or else he is in a very deep sleep.

Well, sir, shall we have this deity of Disunion invoked forever? Who is to blame? If the North has given cause, what have we done? What cause of disunion has ever proceeded from us? Have you not had everything your own way? Have we not let you have the Democratic party to use as you please? [Laughter.] Have you not had the Government for a long time? And have we not let you use it just as you had a mind to? We, sir, were busy about our commerce, extending it around the world; about our railroads; our internal improvements; our colleges, and all those things which interest our people. We knew that you had a taste for governing, and that by the indulgence you might be gratified without serious injury to us. For many years you have had your own way, but now you come here and cry out "disunion." Why, what more *can* we do?

Well, it may be that we have encouraged a mistake on your part. It may be that we have given you some reason to suppose that this temporary courtesy of governing, which we have extended, was a permanent right. However, if you have fallen into that error, we will, perhaps, at some future time disabuse and correct you. But whatever blame there is anywhere, whatever cause there is for disunion, must attach to the action of the slave power, commanding and controlling the Democratic party, and to no one else in the country. Therefore, at this time, I come with exultation—not, to be sure, with malignant exultation—to speak for a few moments upon the decline and fall of Slavery—nay, sir, further, upon the *suicide* of Slavery in this land. I will show you by what acts the two most important pillars of its support have been removed, and that the whole system of Slavery must therefore fall. And these two events have been accomplished, if not by its direct efforts, at least by the connivance of this same party, impelled by this same controlling agency.

I will first show you how the moral power of this institution has been destroyed, by what act, and then I will show you how and by what act its political power is forever doomed. But, sir, how did an institution like this ever have a moral power? is a question for us to examine. In the first place, we are told by Southern men that we have a nation of heathen in our land; and we are told by the same authority that we have an institution here for their regeneration. Now, sir, if we have, from necessity, a nation of heathen in our land, and if Slavery is an institution for their regeneration, it is very clear that Slavery has a moral power. But, says the gentleman from Georgia, [Mr. GARTRELL,] speaking of negroes, "They are idle, dissolute, improvident, 'lazy, unthrifty, who think not of to-morrow, who 'provide but scantily for to-day."

I will also give you other proof. Here it is:

"Who would credit it, that in these years of 'benevolent and successful missionary effort, in 'this Christian Republic, there are over two mil-'lions of human beings *in the condition of heathen*, 'and in some respects in a worse condition? 'From long-continued and close observation, we 'believe their moral and religious condition is 'such that they may justly be regarded as the 'heathen of this Christian country."—*Committee of Synod of South Carolina and Georgia, in* 1833.

"After making all reasonable allowances, our 'colored population can be considered, at the 'best, but *semi-heathens*."—*Kentucky Union's Circular to the Ministers of the Gospel in Kentucky*, 1834.

"There seems to be an almost entire absence 'of moral principle among the mass of our col-'ored population."—*C. W. Gooch, Esq., Prize Essay on Agriculture in Virginia.*

"There needs no stronger illustration of the 'doctrine of depravity than the state of human 'nature on plantations in general. * * * 'Their advance in years is but a progression 'to the higher grades of iniquity."—*Hon. C. C. Pinckney, Address before the South Carolina Agricultural Society, Charleston*, 1829, *second edition, pages* 10, 12.

The Maryville (Tennessee) *Intelligencer*, of October 4, 1835, says of the slaves of the Southwest, that their "condition through time will be second only to that of the wretched creatures in hell."

Here, then, is a field for great missionary labor; and it is fortunate that under these circumstances we happen to have an institution which is perfectly adapted to the regeneration of a lost and ruined race. I quote from the honorable member from the State of Virginia, in a speech delivered here, some time ago, in the House of Representatives:

"I believe that the institution of Slavery is a 'noble one; that it is necessary for the good, 'the well being, of the negro race. Looking to 'history, I go further, and I say, in the presence 'of this assembly, and under all the imposing 'circumstances surrounding me, that I believe 'it is God's institution. Yes, sir, if there is any-'thing in the action of the great Author of us 'all; if there is anything in the conduct of His chosen people; if there is anything in the con-'duct of Christ himself, who came upon this 'earth, and yielded up His life as a sacrifice, that 'all through His death might live; if there is 'anything in the conduct of His Apostles, who 'inculcated obedience on the part of slaves to-

'wards their masters as a Christian duty, then 'we must believe that the institution is from 'God."—*Hon. Wm. Smith, of Virginia, in a speech in the House of Representatives.*

Again, I quote from the speech of the honorable gentleman from Georgia, [Mr. GARTRELL,] in regard to this same sentiment:

"Every sentiment expressed in that eloquent 'extract meets my hearty approbation. As a 'Christian man, believing in the teachings of 'Holy Writ, I am here to-day before a Christian 'nation to reaffirm and reannounce the conclu-'sion to which that distinguished gentleman 'came—that this institution, however much it 'may have been reviled, is of God."

Mr. Chairman, these are not the only authorities on this subject. You and I have heard from the other side, day after day, quotations from the Bible, intending to prove the same thing; and you and I know that there are honest men in the slave States who believe that this is a fact. I have seen such men myself, and have conversed with them. They have told me that Slavery was an absolute curse; and that the only reason why they held their slaves a day was, that they owed them certain religious duties, and must keep them to look after their spiritual welfare. They feared that if their slaves were cast loose upon the world, with nobody to look after their spiritual interests, they would be spiritually lost. I heard this from a gentleman from Kentucky, and again from a gentleman from Augusta, Georgia, and I believe in my heart that both of these gentlemen were honest in these views.

I am not here to impugn any man's motives. I put this upon the ground that is claimed by Southern men; and when I listened to the gentlemen on the other side, reading honestly from the sacred volume in defence of this institution, as coming from God, and as a means for the regeneration of a heathen race in our land, I felt impelled to use the language of the Apostle to the Gentiles, which he employed on Mars Hill: "Oh! Athenians, I perceive that in all things ye are exceedingly given to religion." [Laughter.] Now, sir, since this institution has done all it ever can in this capacity, and since it is now destroyed as a converting and regenerating power, I stand here to give it its proper place in ecclesiastical history, for its right place it has never yet had.

In order to understand what position it is entitled to, we must, to some extent, speak by comparison, because we cannot speak absolutely on these matters of religion. The religious journals of the free States have oftentimes most unreasonably exulted over our religious efforts, when they contrasted them with the efforts of our Southern brethren. I have seen placed in parallel columns, in Northern journals, the contributions of the free States and the contributions of the slave States; and there were mighty words of exultation, unbecoming a Christian journal or Christian people at any time, when it was shown that our contributions for foreign missions were a hundred-fold more than yours. It is true we make more contributions. The city of Boston gives, for foreign missions, perhaps more than all the slave States; and the city of New York perhaps more than Boston. But what of that? We give a few cents apiece, and only a few cents, for foreign missions each year, which amounts to a great sum, because we are a great people. We send men to heathen nations far over the water, to tell them about their future destiny. We are careful not to send our *best* men; we keep our Notts and Waylands, and our Beechers and Cheevers, at home; but sometimes a Judson escapes from us before we know what he is. This is about the extent we submit to self-sacrifice for the sake of the heathen.

Is there any cause for exultation in this, when we see what our Southern brethren have done and are doing? When have we ever taken the heathen to our hearth-stones and to our bosoms? When have we ever admitted the heathen to social communion with ourselves and our children? When have we ever taken the heathen to our large cities to show them the works of art, or to the watering places to show them fashionable society and beautiful scenery? Did you ever see a Yankee at the White Sulphur Springs shedding a benign religious influence over a little congregation of heathen companions? [Laughter.] We have pious women in the Northern States, whose bright example has made attractive the paths of virtue and religion. Conspicuous among them, in every good work, are the wives of our ministers and deacons; but not one of these, within the range of my acquaintance, would consider herself qualified, either by nature or by grace, to be chambermaid, dry-nurse, and spiritual adviser, to ten or twenty heathens in her own family. But, sir, had these worthy dames been *noble* dames; had they come down to us from the blood of the Norman Kings, through the bounding pulses of sundry cavaliers, and then had been willing to assume these humble offices of Christian charity, we should have believed the time, so often prayed for, had already come, when "kings should be fathers and queens nursing mothers in the church." Where, then, is the ground for this exultation on the part of the North? I tell you that it cannot be prompted by anything but a rotund, bulbous, self-righteousness. So much, then, for the social sacrifices of our Southern brethren.

What other sacrifices have they made to regenerate this race? Great moral and intellectual sacrifices. I will read what Southern men say on this subject:

Judge Tucker, of Virginia, said in 1801:

"I say nothing of the baneful effects of Slave-'ry on our moral character, because you know I 'have long been sensible of this point."

The Presbyterian Synod of South Carolina and Georgia said, in their report of 1834:

"Those only who have the management of 'these servants know what the hardening effect 'of it is upon their own feelings towards them."

Judge Summers, of Virginia, said, in a speech in 1832, in almost the same words:

"A slave population produces the most perni-'cious effects upon the manners, habits, and 'character, of those among whom it exists."

Judge Nichols, of Kentucky, in a speech in 1837, said:

"The deliberate convictions of my most matured consideration are, that the institution of 'Slavery is a most serious injury to the habits, 'manners, and morals, of our white population; 'that it leads, to sloth, indolence, dissipation, 'and vice."

So said Mr. Jefferson:

"The man must be a prodigy who can retain 'his manners and morals uncontaminated" [in the midst of Slavery.]

John Randolph, on the floor of Congress, said:

"Where are the trophies of this infernal traffic? 'The handcuff, the manacle, the blood-stained 'cowhide! What man is worse received in 'society for being a hard master? Who denies 'the hand of sister or daughter to such monsters?"

I might quote a hundred other Southern authorities of the same kind, showing the baneful effect of this institution upon the moral and intellectual character of the South. I might also quote from the United States census. I have the papers here, but time will not allow.

Now, in addition to these moral and intellectual sacrifices which our Southern brethren admit, there are pecuniary sacrifices which you know to be very great; indeed, had Virginia been free fifty years ago, had she been exempt from this great tendency to christianize the African race, she would have been worth more this day than are all the Atlantic States south of New Jersey. And should she by any chance become free, you will see her wealth and her population increase in proportion as this missionary spirit is diminished. [Laughter.] It is true, our Southern brethren, impressed with this great idea of christianizing the African race, having for their only ambition to present the souls of their negroes, without spot or blemish, before the throne of the Eternal, have sacrificed almost everything. I could quote from Southern men upon this subject. The sagacious statesman who governs the Old Dominion, in a speech a few years ago, said:

"But in all the four cardinal resources—wonderful to tell, disagreeable to tell, shameful to 'announce—but one source of all four, in time 'past, has been employed to produce wealth. 'We have had no work in manufacturing, and 'commerce has spread its wings and flown from 'us, and agriculture has only skimmed the surface of mother earth. Three out of the four 'cardinal virtues have been idle; our young 'men, over their cigars and toddy, have been 'talking politics, and the negroes have been left 'to themselves, until we have all grown poor 'together."

But trials, and tribulations, and poverty, have ever beset the pathway of the saints. In the earliest days, they "wandered about in sheepskins and goat-skins, persecuted, afflicted, tormented." Even now, in the nineteenth century, the condition of our Southern brethren is not much improved, since they are compelled "to chase the stump-tailed steer over sedge patches which outshine the sun, to get a tough steak," and to listen to the perpetual cry of "debts! debts!" "taxes! taxes!"

In this age of material progress, you have seen the North outstrip you; but, with true Christian patience and Christian devotion, you have adhered to the great work of regenerating the heathen. [Laughter.] Through evil report and through good report, reproached and maligned abroad by those who did not understand your motives, and, worst of all, sometimes abused at home by the ungrateful objects of your Christian charity, you have still pressed on towards the mark of your high calling. Now, sir, when was there ever a class of men so devoted and so self-sacrificing? I have read the history of the Apostles; I have read the history of the Reformers, of the Scotch Covenanters, of the Huguenots, and of the Crusaders; and I tell you, not in one or all of these have I seen any such heroic self-sacrifice for the good of another race, or for the good of other men, as I do see in the history of these slave States. I have seen Fox's Book of Martyrs, but there is nothing in that to compare at all with the martyrs of the South. The census of the United States is the greatest book of martyrs ever printed. [Laughter.] Other books treat of martyrs as individuals: the census of the United States treats of them by counties and by States. I can see how a man, impressed with a grand and noble sentiment, should perhaps, in excitement or in an emergency, give up his life in support of it; but I cannot see how a man can sacrifice his friends, his family, and his country, for a religious idea or an abstraction.

Here, then, sir, is the position of our Southern brethren upon this subject. But the worst is yet to be told—the doleful conclusion of the whole matter. They have made sacrifices, and it seems to me that they were entitled to the rewards for them; and I doubt not that they have often consoled themselves in contemplating the rewards in the future which must await them for such good services in the present. I have no doubt, sir, that oftentimes, seeing they have not treasures laid up on earth, they *supposed* they had treasures laid up in heaven. [Laughter.] But just at that time when they seemed to be almost in the fruition of their labors, when the gentleman from Missouri, [Mr. ANDERSON,] in great exultation of spirit, was speaking of the institution that had raised the negro from barbarism to Christianity and civilization, and when the gentleman from Indiana, [Mr. HUGHES,] had caught the inspiration, and said, that although the body of the African might be toiling under the lash, "his *soul* was free, and could converse on the sublimest principles of science and philosophy"—when faith had almost become sight—just then, sir, out comes the Supreme Court with the decision that

A NEGRO HAS NO SOUL! [Laughter.]

"Angels and ministers of grace defend us!" All these treasures that were supposed to have been laid up "where neither moth nor rust doth corrupt, and where thieves do not break through nor steal," have been invaded by the decision of the Supreme Court, and scattered to the four winds of heaven. More than two centuries of prayers and

tears, of heroic self-sacrifice and Christian devotion, of faith and hope, of temporal and spiritual agony, have come to this "lame and impotent conclusion." [Laughter.] The moral dignity of the grandest missionary enterprise of this age is annihilated.

As a Northern man, I stand here a disinterested spectator of these events. If I do not like the decision of the court, I have a higher law. The negro himself can appeal to the court of heaven; but what refuge has the Southern church? [Renewed laughter.] None whatever. This decision is a blow, direct and terrible, falling with crushing violence upon our Southern brethren. This Supreme Court, with cruel and relentless hostility, has persecuted the Southern church as the dragon of the Apocalypse pursued the woman into the wilderness, seeking to devour her offspring. [Much laughter.]

What motives could have impelled the court to this act? I have no doubt a patriotic motive. I am not here to impugn the motives of any man, or of any set of men, much less of the highest judicial tribunal in this land. No doubt, sir, their motives were patriotic, for they had witnessed the devastation of this terrible religious fanaticism through the South. They had seen the ravages of this disastrous missionary monomania, and they determined that there must be an end of it; and how could they so effectually end it as by annihilating at once the object of its aims and aspirations. That, sir, they have done.

Here, then, endeth the *moral power* of the institution of Slavery.

I come now to the consideration of the event which just as surely has doomed to destruction the *political power* of that institution—I mean the repeal of the Missouri Compromise measure in the passage of the Kansas-Nebraska bill. That act, sir, I will show to you—if it ever was committed by the slave power—to have been a suicidal act. What need was there for repealing that Compromise, or of admitting Slavery into Kansas *by law?* Was not the South sure enough of the Territory as it was before? I think—and this is my honest conviction—that had it not been for that act, Kansas would have been inevitably a slave State. We of the North had no particular interest in that Territory. It was put down in our geographies as the great American desert. We had not considered it of much importance; but we relied on the *law* to keep Slavery out of it, and to preserve it to Freedom. We of the North have had too high an idea of the power of the General Government and of *law*, either *for* Freedom or *against* Freedom. Sir, this General Government has but little power over this question. It is not a *motive power*. It is only a *registry*, an exponent of power. It is the log-book of the ship of State, and not the steam-engine that propels the ship, or the wind that fills the canvas. We would like to have the log-book kept right, to show us our true position; but we do not now consider the Government as the motive power. The motive power of this nation, as of all nations, is the people in their homes; and as the people in their homes are, so is your character and so is your progress. If the people in their homes in Kansas had been Pro-Slavery, what could the North have opposed to it? It was emigration, and emigration only, that could have made Kansas a State, either slave or free. The great law that governs emigration is this: that emigration follows the parallels of latitude westward. Under that law, Kansas would have been settled entirely by a Pro-Slavery people, as was the southern part of Indiana, and as was the southern part of Illinois. We in the North, trusting in the protection of the law, would have had no remedy. People in favor of Slavery would have gone there, and if they were compelled at first to adopt a free Constitution in order to shape their institutions according to any law concerning the Territory, they might have soon reversed that position. In fact, the decision of the Supreme Court has now made any such thing unnecessary. They might have formed just such a Constitution as they pleased. Well, then, we would thus, in all probability, have had Kansas a slave State without the Kansas-Nebraska bill. But the passage of that bill, if Slavery had been certain before, *seemed* to the majority of the people in the North to make it almost inevitable. History warranted this fear. Judging from the case of Indiana, there seemed to be no chance whatever for Freedom in Kansas, after the opportunity for Slavery to enter there had been given. There was Missouri on the confines of the Territory—and the most densely-peopled portion of Missouri, too. Freedom-loving men, desiring to go to that Territory, would have had to travel hundreds and thousands of miles. The men who lived on the line of Kansas, as well as other Southern men who entertained the same idea—though they did not express it then, for fear of losing the bill—anticipated that the passage of the bill would settle the question for Slavery in Kansas forever. That was the evidence of the early history of Indiana. When that Territory was opened for settlement, a few slaveholders, perhaps a dozen or a score, went over from Kentucky, and, contrary to the wishes both of the President and Congress, contrary to the ordinance of 1787, established Slavery; and they obtained such control over that young Territory, that petitions, signed by many of the inhabitants, praying Congress to suspend the prohibition of Slavery, were presented to Congress, year after year, from 1803 to 1807. These few slaveholders of the Territory of Indiana acquired such control over the inhabitants of that Territory, because they were an organization, as Slavery is everywhere and at all times an organization. It was a concentration of capital, a concentration of influence, and a concentration of power, which our emigrants from the free States, coming one by one, were unable to resist; and had it not been for the overwhelming population which poured in from the North in 1807 and 1808, the prohibition of Slavery would have been suspended. Had it not been for John Randolph, it would have been suspended in 1803; and had it not been for Mr. Franklin in the Senate, it might have been suspended in 1807; and both of these were Southern men.

Well, sir, I have said that slaveholders are everywhere an organization. There is a commu-

nity of interest, a bond of feeling and of sympathy, which combines and concentrates all efforts to defend Slavery where it is, and to extend it to places where it is not. I will quote from the last number of *De Bow's Review*, everywhere acknowledged to be good Southern authority. In an article defending the New England Emigrant Aid Company, the writer says:

"We of the South have been practicing 'Organized Emigration' for a century, and hence 'have outstripped the North in the acquisition 'of land. The owner of a hundred slaves, who, 'with his overseer, moves to the West, carries 'out a self-supporting, self-insuring, well-organ-'ized community. This is the sort of 'Organ-'ized Emigration' which experience shows suits 'the South and the negro race, whilst Mr. Thay-'er's is equally well adapted to the whites."

Then, what fault can be found with our efforts to organize Freedom by means of our emigrant aid societies, that enable our citizens to go to the Territory in companies of twenty, fifty, one hundred, or two hundred, to take possession of the West, and to locate there the institutions under which they choose to live?

And here I come to the defence of this association. It has been assailed, time and again, on this floor, and I have never been allowed even the privilege of putting questions to its assailants. The gentleman from Missouri [Mr. ANDERSON] called it "illegal and unconstitutional." It has been so assailed by the successor of Millard Fillmore. But where is the proof? Which of its acts has been shown to be illegal or unconstitutional? If it was illegal and unconstitutional, why has not the organization been crushed by the courts? We contend that any organization which is allowed to continue its existence from year to year, and to carry on its business, has the presumption, at least, of a legal right to do so. We claim that for the Emigrant Aid Company.

But the gentleman from Missouri professes to have authority in regard to this matter. He has said that we *may* employ this emigrant aid society in promoting emigration to Central America and to foreign countries, but that we must "*beware*" how we do so in colonizing the Territories of this Government. Mr. Chairman, if the gentleman from Missouri has any authority in these premises, I hope he will exercise it. I ask him to publish a hand-book for emigrants, telling us *how* we may go into a Territory; whether we *may* ride or *must* go on foot; whether we *may* take our wives and children with us, or *must* leave them at home; whether we *may* take some of our neighbors with us, with their agricultural implements and steam-engines, or whether we *must* go into the Territories without any neighbors whatever; whether we *may* get horses or oxen from the free States, or whether we *must* content ourselves to take mules from the State of Missouri. [Laughter.]

Now, sir, let us have not only the book, but the reasons for it. Let us know how far we may go, according to the law, in this matter of emigration. I recommend the gentleman from Missouri to take some lessons from the gentleman from Mississippi [Mr. QUITMAN] on the rights of emigration. I think he can get broader views upon this subject, if he will consult that gentleman, and I think he will allow Northern men to go to the places which they have a right to go to by the law of this land, in such society, if it be law-abiding, as they may choose to select for themselves.

I have said that the great general law of emigration is, that the emigrants shall follow the parallels of latitude in this country. There are some exceptions to this. The gold in California led our emigrants from the extreme North across many parallels of latitude. That was a sufficient disturbing cause. The existence of Slavery in the slave States of this country has driven thirty-five out of every hundred emigrants across northern parallels to the free States of the Union. That was another great and powerful cause. But there is another cause sufficient to carry emigration southward over parallels of latitude. That is, the argument of cheap lands, with the additional advantage of organized emigration. The objections that have heretofore existed among Northern men to settling in Southern States are, by this mode of emigrating, entirely obviated. The Northern man, with his family of children, would not heretofore go into a Southern State, in the absence of schools and churches. But when, combined with one or two hundred, or one or two thousand, of his friends and neighbors, he goes into a slave State, he carries with him schools and churches, and the mechanic arts, all these difficulties are obviated; and, besides, he has the inducement of going where the land can be bought at slave-State prices, in the expectation of finding it come up probably in a few years to free-State prices, which are five or six times greater than slave-State prices. Here is the great inducement of increasing wealth. Let a colony start from Massachusetts, and settle on almost any land in the State of Virginia—in Greenville, Southampton, Dinwiddie, or Accomac, where the lands do not average so high as three dollars an acre, by the census of 1850—and the very day they settle there, the value of the land is more than doubled. There is better land for sale to-day in Tennessee and North Carolina, for fifty cents per acre, than can be bought for ten times that sum in any free State.

How can such an appeal to the migrating population of the North, in favor of organized emigration to the slave States, be resisted? I know of no means of resisting it. Certainly *you* can have no reason for resisting it, but every reason to encourage it. We do not come as your enemies; we come as your friends. We do not come to violate your laws, but to improve our own condition. This movement southward is destined to continue and to increase. Sir, if Slavery were as sacred as the Ark of the Covenant, and if it were defended by angels, I doubt whether it could withstand the progress of this age and the money-making tendencies of the Yankee. But it is *not* as sacred as the Ark of the Covenant, and nobody believes that it is defended by angels.

But, sir, there begins to be an enlightened idea in these border slave States upon this subject.

A year ago, when I proposed to plant a few colonies in Virginia, several journals in the Old Dominion threatened me with hemp and grape-vine if I should ever set foot in that Territory. Well, I thought I would make the experiment. I went into western Virginia and into eastern Kentucky. I addressed numerous audiences in both of those States, and everywhere where I asked the people if they had any objection to their land being worth four or five times what it was, they said "No." [Laughter.] I asked them if they had any objection to the manufacture of ploughs and wagons in Wayne county. There never had been a manufacturing establishment between the Big Sandy and Guyandot. Though no portion of this continent is better situated for manufacturing purposes, having more than thirty thousand miles of river communication, which affords cheap transportation to the best markets, with a healthy climate and inexhaustible supplies of coal and iron and timber of the best quality. Yet, every manufactured article was imported into this Natural Paradise of mechanics. There was not a newspaper published between the two rivers. I asked if they had any objection to a good, substantial, business newspaper published there, and to have schools and churches and the mechanic arts established in that county. With one voice they replied—"None, whatever." "We welcome you to our county, and to all its advantages." This was a generous and manly reception, worthy of the history of the Old Dominion. At every meeting we were welcomed by the unanimous voice of the people; and now I believe that there are at least twelve newspapers in the State of Virginia advocating these colonies coming into the State. The sagacious statesman who is the Governor of the Old Dominion gives us a general and most cordial welcome. Well, the prospect is very good and inviting; and if there is any danger of a dissolution of the Union—in fact, if there is any weak spot in the Union, I think it would be a good thing to patch it over with an additional layer of population. [Applause.] There never would be any disunion, if we could only attend to it, and see where the weak places are, and mend them in time.

But there is another exception to the rule I have laid down. Central America will prove abundantly sufficient to carry emigration southward, even across many parallels of latitude. She offers the grand inducements of commerce of a climate unsurpassed in salubrity, (in the central and Pacific portions,) of a fertile soil, which yields three crops a year, and, more than all, lands so cheap that every man may buy. We have already begun to move, and what to some men seemed to be the umbilical cord of an embryo Southern Empire, is likely, by these means, to be cut off, if it is not cut off already. [Laughter.] Everybody knows the physiological consequences.

Well, sir, I wish now to say that there is a higher power than man's in relation to this matter of Freedom in Kansas. It seemed at first to the whole North that the project of establishing Slavery there would exclude Freedom, and the whole North was intimidated by it. There was the greatest reluctance manifested to emigration in that direction, from the North. Everywhere there was fear; everywhere despair.

> "There was silence deep as death,
> While we floated on our path;
> And the boldest held his breath
> For a time."

Six months of persistent effort in writing and speaking were required to induce the first colony of only thirty men to go to Kansas. The people had become impressed with the idea that Kansas was destined to be a slave State; but as soon as the first colony had reached that Territory, and had founded the famous city of Lawrence, the whole train of Northern emigration was turned from Nebraska and from Minnesota to Kansas. And they have filled Kansas with Free State men—such men as are fitted for the high position they occupy; for Kansas is the geographical centre of our possessions. Its position in itself makes it the arbiter of our fate in all coming time, destined to give law to all between the Missouri river and the golden gates of the Pacific, and to make its power felt all the way between the British possessions and the Gulf of Mexico. Never were more noble men needed for a more noble work. It was necessary that Plymouth Rock should repeat itself in Kansas. The Puritan character was needed there; but how could it be had, except by such discipline as made the Puritans; for if it was necessary that they should be elevated like the Pilgrim Fathers of New England, it was also necessary that they should have the training of the Pilgrim Fathers. They were peculiar in their early history, and peculiar in their late history. They had their early education among the rocks and mountains of New England. I have known of great men in times past, who came from the forest, who came from hills and mountains; but I never have known them to be raised on Wilton carpets. These men received their early training among the rugged hills of New England, where they waged incessant war on ice and granite, on snow and gravelstones. It is there where they acquire their energy and their power. And, sir, I think the Yankee race has at least an octave more compass than any other nation on earth. I *know* a Yankee doughface is half an octave meaner than any other man. [Laughter.]

Sir, some of the best of this Yankee race went to Kansas. They were stigmatized, six months before they arrived there, as thieves and paupers. Well, if such men as those who have built Lawrence, and Topeka, and Manhattan, and Ossawatomie, and Quindaro, were thieves and paupers, what do you think we respectable, well-to-do people, will accomplish in the Old Dominion, where we are now becoming acquainted with some of the "first families?" These Free State men of Kansas have been reviled by their inferiors at both ends of Pennsylvania avenue many times during the last three years. The other day, in the other end of this Capitol, such men were denominated *slaves*. Sir, we are slaves! I admit it; *but our only master is the Great Jehovah*. These heroes in Kansas, having for their ancestors the

Pilgrim Fathers, "sons of sires who baffled crowned and mitred tyranny," disciplined in their early years by the rugged teachings of adversity, seem to have been well prepared for their high mission.

But the discipline of worthy examples, of New England education, and of poverty and adversity, were not enough. The discipline of *tyranny* was requisite for their perfection. This discipline has been of use in all ages of the world. David was not fit to rule over Israel until he had been hunted like a "partridge in the mountains" by the envious and malignant Saul. Brutus was not fitted to expel the Tarquins until he had endured their tyranny for years. What would Moses have done, but for Pharaoh? Where would have been the Reformers of the sixteenth century, where the Puritans in the seventeenth, and the Patriots in the eighteenth, but for Leo the Tenth, Charles the First, and George the Third? But Charles the First lost his head, and George the Third his colonies, for less tyranny than has been practiced upon the people of Kansas by the two successors of Millard Fillmore. If we thank God for patriots, we should also thank Him for tyrants; for what great achievements have patriots ever made, without the stimulus of tyranny? Without vice, virtue itself must be insipid; and without wicked and mean men, there could be no heroes.

The brave man rejoices in the opposition of the enemy of his rights. Wicked and mean men are the stepping-stones on which the good and great ascend to heaven and immortal fame.

These miscreants, cursed both by God and man, subserve important interests. The sacred volume which unfolds to us the life and sufferings of the Saviour of men, makes record also of Pontius Pilate and of Judas Iscariot as necessary agencies in that great redemption.

So I will denounce no man who has fought against Freedom in Kansas, as entirely useless in the grand result. But what a team to draw the chariot of Freedom! Atchison and Stringfellow and John Calhoun, with the two successors of Millard Fillmore to lift at the wheels.

[Here the hammer fell.]

NOTE.—Mr. Thayer will complete the consideration of this subject at the earliest convenient time.

WASHINGTON, D. C.
BUELL & BLANCHARD, PRINTERS.
1858.

The Issues: The Dred Scott Decision: The Parties.

SPEECH

OF

HON. ISRAEL WASHBURN, JUN.,

OF MAINE.

Delivered in the House of Representatives, May 19, 1860.

Mr. CHAIRMAN:

"Queen Elizabeth equipped two vessels for her own sole profit, in which two vessels, escorted by the fleet under the command of Hawkins, were the first unhappy blacks inveigled from their shores by Englishmen, and doomed to end their lives in servitude. Elizabeth was avaricious and cruel; but a small segment of her heart had a brief sunshine on it, darting obliquely. We are under a King [George III] notoriously more avaricious; one who passes without a shudder the gibbets his sign-manual has garnished; one who sees on the fields of the most disastrous battles, battles in which he ordered his people to fight his people, nothing else to be regretted than the loss of horses and saddles, of haversacs and jackets. If this insensate and insatiable man even hears that Queen Elizabeth was a slave-dealer, he will assert the inalienable rights of the Crown, and swamp your motion."

I have read from an "Imaginary Conversation" between Romilly and Wilberforce, by Walter Savage Landor, the statement of an actual fact. The words are understood to have been spoken by Romilly.

In the original draft of the Declaration of Independence, Thomas Jefferson wrote:

"He [George III] has waged cruel war against human nature itself, violating its most sacred rights of life and liberty, in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel Powers, is the warfare of the Christian King of Great Britain. Determined to keep a market where men should be bought and sold, he has at length prostituted his negative for suppressing any legislative attempt to prohibit and restrain this execrable commerce."

Thus we learn that under the authority and by the aid of the sovereigns of Great Britain, from Elizabeth to the third George, black men were brought from Africa to the British American colonies, and reduced to the condition of slaves. And thus, at the close of the Revolutionary war, chattel slavery existed in all the States but one that were to form the new Confederacy. It was an undoubted evil; indeed, its removal was one of the great objects for which the war was commenced and prosecuted. Under the influence of the truths which so filled and informed the minds of men at that time, and by the authority of the new sovereignties, it was scarcely doubted in any quarter that the system, so inexpedient and full of evil, so unprofitable and wrong, would die out or be exterminated. It could not, men thought, be otherwise. In consequence of the unsettled and impoverished condition of the country, it would no doubt take some time to accomplish an end so desirable and so certain; but the will and the determination should not be wanting; and so our ancestors, when the war was over, set themselves at work earnestly and in good faith to effect the amelioration and ultimate extinction of this evil. By an ordinance which Mr. Webster said should make its author immortal, they excluded slavery from all the territory of the Government lying north and west of the Ohio river. They framed a Constitution "to establish justice," and "secure the blessings of liberty" for themselves and their posterity; and among those by whose votes the Constitution was adopted, and for whom, as well as others, it must have been intended, were colored men of African descent, residing in several of the States South and North. In that Constitution they sedulously excluded the idea that men were, or could rightfully be made, property; they would not dishonor that consummate fruit of their toils and sacrifices by the use of the words "slave" and "servitude;" they treated human beings as persons—men, and not as things; they provided for the abolition of the slave trade at the earliest practicable moment. While they recognised no distinction of color or race, and, in the numeration of persons for purposes of Federal representation, counted alike members of the European and African races, they dis-

couraged the system of servile labor, by imposing upon the States which continued it, terms in respect to such representation, which it was supposed would tend to bring it into disfavor, and so hasten its abolition. Sir, the men of that day did the best they could; they were sincere, and they were earnest. They gave to liberty all the securities and threw around slavery all the limitations and disabilities in their power. They worked hopefully for the hour when emancipation was to begin in all the States; they waited in faith and implicit trust, never seeming to doubt that the time for their deliverance was near at hand. But the weakness of the country, just emerged from a long and exhausting war, the condition of its relations with foreign Powers, the spoliations of its commerce, the embarrassments in its trade, the necessity of extending protection to its frontier settlements, the internal strifes contingent upon the formation of parties under the new Government, furnished excuses to the States in which slaveholding was most largely practiced, for postponing the work, the wisdom and duty of which they still affirmed. Their views as to the impolicy and wrongfulness of slavery they protested were unchanged; but the longer they felt compelled by circumstances to delay the work of abolition, the more formidable and difficult did it become. Louisiana was purchased in 1803, and Florida in 1819, by which acquisitions the slaveholding territory of the United States was largely expanded. Mr. Whitney invented the cotton-gin, and the production of cotton, largely increased in consequence thereof, gave employment to and enhanced the value of slave labor. Thus events and circumstances unpropitious to the performance of what was still acknowledged to be a stern duty, succeeded one another, year after year, until, at length, the system was so extended, and its proportions were so vast, that those most interested in its overthrow were the least ready to give their minds to a serious and practical consideration of the question, when and how this was to be accomplished. As the labor and difficulty of the undertaking loomed up before them, the expediency and duty of engaging in it became less clear and dominant.

"It was not before a very general indifference appeared among the slaveholders in regard to the continuance of their system—indeed, it was not until they began to furnish evidence of a fixed design to carry it where it had never been before, and to plant it upon the free territory of the United States—that Northern people perceived how much they were interested in the question of slavery, and that they could not safely or with honor permit the purposes of the slaveholders to go unchecked; that they could not be unconcerned spectators while their interests were assailed, their rights invaded, and the welfare and good name of the country imperilled. The slavery controversy between the North and South arose only when the latter abandoned the policy upon which both had been agreed—not until the claims of the South were seen to be inconsistent with the rights of the North. But even then those claims were not asserted upon the ground of the absolute rightfulness of slavery, but upon considerations of convenience, temporary expediency, and good neighborhood. Slavery, it was conceded, was not right in the abstract; it was not to exist always; it was an evil undoubtedly, and in the good Providence of Heaven some way would be found by-and-by for its removal. Meanwhile, so it was urged, it must be tolerated, it must not be warred upon, and Northern people were informed that, however they might dislike it, and very properly dislike it, they must be careful not to oppose it by any means not clearly legitimate and constitutional. We do not affirm, said the South, that slavery is a good thing in itself, but we do insist that, under the Constitution, Congress has no power to exclude it from the common domain of the country, and we demand that the people of the free States shall employ no unlawful means to prevent its expansion; whatever you of the North may properly do, under the Constitution, we shall not object to; if slavery be an evil, it does not lie with us, or with anybody, to complain if you attempt to restrict and cripple it; this is your right and duty; but you must not attempt its inhibition or injury by any methods not warranted by the Constitution.

The political party which for many years had held possession of the Government, and controlled the legislation of the country, was, for this reason, and with a large foresight, regarded by the slaveholders as the organization through which they could obtain better protection to their peculiar claims and demands than through any other; and so we find that they attached themselves so generally to the Democratic party, that, in the course of a few years, the seat of its great and ever-reliable strength was established in the slave States; and these, not unnaturally, were permitted to make its issues, shape its policy, and name its candidates for the principal offices in the Republic. Thus, when the slaveholders, some twelve or fifteen years ago, and for the first time since the organization of Government, *formally* proclaimed the doctrine, that Congress had no power to prohibit slavery in the Territories, its Northern chieftain [General Cass] hurried to accept it, adding, for the benefit of party friends in his own section, that this power resided only with the people of the Territories, and that they had an undoubted right to form and regulate their domestic institutions, including slavery, in their own way. As it was considered by the slaveholders that the doctrine, with this qualification, was all that would be necessary for the extension of their system into the Territories, they were contented to receive it without objection, although they did not affirmatively adopt it. It was generally recognised, however, as the true Democratic

doctrine, and was acted upon, in 1850, in the organization of the Territories of New Mexico and Utah; in 1852, it was affirmed in the national Democratic Convention; and in 1854, when the Territories of Kansas and Nebraska were organized, it was so distinctly a dogma of the Democratic party, that it did not hesitate to abrogate a law for the prohibition of slavery, which had stood for more than thirty years upon the statute book, and which, from the circumstances of its enactment, had been universally regarded as hedged around with all the sacredness of a compact. But this time-honored restriction was made to give way before the "great principle of 'popular sovereignty.'" Nevertheless, the "great principle" failed to accomplish the end whereunto it was directed. Kansas was made a free State, the invention of "popular sovereignty" was discarded as worthless, and its patentees, the present Secretary of State, [General Cass,] and the Senator from Illinois, [Mr. DOUGLAS]—that their title is a joint one, is confirmed by the fortune that has attended them—were left to console themselves with the reflection, that the rascally machine had wrought even greater harm to those for whom they contrived it than it had to themselves!

Finding, at last, after many experiments and trials, that the practice of slavery was not to be extended and promoted by any measures or through any policy founded upon, or consistent with, the admission that *it is an evil*—discovering the futility of all efforts to advance and strengthen it from this starting point—the slaveholders, abandoning the policy which they had hitherto pursued, denying and scouting the opinions of their predecessors—of all the men in the South, down to a period comparatively recent—now declare that slavery is *not an evil*, is not wrong, but is wise, just, expedient, humane, divine; that it is established in natural law, and has the sanction and benedictions of Almighty God. And, sir, such is their influence and authority in the Democratic party, that it has, at their demand, accepted these atrocious dogmas as eternal verities, and made them the distinctive and all-essential part of its platform, as will be seen hereafter.

Thus Mr. Chairman, I have endeavored to show briefly how it has happened, that within a little more than seventy years after the formation of the Constitution, in which was embodied the principles of the Revolution, we find ourselves brought to a reconsideration of those principles, and to an inquiry in regard to the foundations upon which they rest.

In matters of Government and politics, it is fortunate perhaps that, at periods not greatly removed from each other, the attention of men is arrested by the enunciation of strange and monstrous doctrines, and their quiet disturbed by the assertion of claims and purposes of the most dangerous and alarming character, for in this way they are brought to a consideration of the reason and logic of things, of elementary truths, of principles. Thus they are led to explore the sources of power, to discover and define its conditions and boundaries, and renew its landmarks. Gathering strength and inspiration from the great soul of Truth, to which they bring themselves near, their voice becomes the voice of God. They arouse and inform the public mind, they quicken the public heart; the banner of controversy is unrolled, and the end is, that the wrong is overthrown and the right vindicated, and people feel that henceforward,

> "Noble thought shall be freer under the sun,
> And the heart of a people beat with one desire."

Mr. Chairman, there can be little doubt that the Democratic party, as it is called, acting under the guidance of the oligarchy of Southern slaveholders, has succeeded in thoroughly alarming the public mind by the doctrines it proclaims and the designs its avows.

Thus, sir, I am brought to an examination of the issues before the people in the great political canvass of this year—the real and true issues upon which the parties will go to the country.

The Democratic party, controlled, as it is in all its movements and aspirations, by an inexorable oligarchy which acts as one man in defence of a common interest, has become, as we have seen, the exponent of ideas and opinions in direct conflict with those of the revolutionary fathers, and of the apostles and champions of liberty and human rights in all lands and in every age.

The issues which this party presents may be concisely and truly stated in these words: *The fathers were wrong; republicanism is a sham; democracy is a falsehood.*

Sir, there is not a single political truth affecting the rights of man, asserted by the great men of the revolutionary epoch, which this party does not deny, not an opinion in regard to fundamental principles which it does not scoff at. The fathers held chattel slavery, the merchandising of men, to be wrong; the Democratic party says it is right. The former regarded it as an evil; the latter vaunt it as a blessing. The fathers hoped and believed it would be of but temporary duration; the Democratic party (for without the slaveholders this party is nothing, and less than nothing, and vanity) declare that it ought to be and shall be perpetual.

The brave men of old, who pledged life, fortune, and honor, to their country and to truth, declared that "ALL MEN ARE CREATED EQUAL;" they thought, in the simplicity of their souls, that this truth was so plain as to be "self-evident;" but the Democratic party pronounces the assertion a "*self-evident lie.*" The men of 1776 declared that among the NATURAL AND "INALIENABLE RIGHTS OF ALL MEN WERE LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS;" the Democratic party sneers at this sublime truth, and calls it a "glittering general-

ity." Our republican forefathers maintained that "TO SECURE THESE RIGHTS, GOVERNMENTS WERE INSTITUTED AMONG MEN, DERIVING THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED;" the Democratic party insists that Governments are not instituted—that this Government, at any rate, was not instituted—to secure life, liberty, and happiness, to *all* men, but rather to secure and perpetuate a system of bondage the most galling and intolerable that exists upon the face of the earth; and that so far from Government deriving its just powers from the consent of the governed, there are millions of men in this country who have no right, natural or political, to give or withhold their consent upon any question affecting the Government. The framers of the Constitution have informed us that that instrument was ordained to "establish justice," and secure to the people the "blessings of liberty;" the Democratic party says that, so far from this being true, it was adopted for the purpose of recognising and affirming the idea—which Lord Brougham has denounced as a "guilty fantasy"—that man could hold property in man, and to enable the slaveholder to carry his manchattel into any of the Territories—and, I may add, States—of the Republic, and there, under its ægis, practice the greatest injustice that man can inflict upon his fellow man.

The men who formed our institutions believed that the legislative power of the Government was adequate to the exclusion of slavery from the territory belonging to the Government, and exercised that power, as a matter of conscience and duty, by reviving the ordinance of 1787, within a year after the adoption of the Constitution; but the Democratic party denies the power and duty alike, repeals the restrictions and breaks down the barriers interposed by the wisdom and humanity of the fathers, that slavery, the "chartered libertine," may go free as the winds.

The fathers established the Union for the sake of liberty; the managers of the Democratic party say they will destroy it unless they can extend slavery.

Mr. Chairman, Mr. Jefferson and his compeers taught, and the old Republican party held, that the people were the only depositories of political power, and that with them was the ultimate decision of all political questions; but the Democratic party rejects this old republican doctrine, and maintains that the Constitution has created a tribunal, and placed it above and beyond the people, to which it has delegated the authority to decide, finally and conclusively, all questions of political right and power. This tribunal is the Supreme Court of the United States, and, as at present constituted, is composed of nine judges, of whom a majority are citizens of slave States, and are slaveholders. Here are our masters; here is supreme, despotic, irresponsible power. If there be a tribunal anywhere which can decide all questions affecting the powers and functions of the Government and the rights of the people, without appeal—which may declare that the Constitution was not made for Africans, or Frenchmen, or Germans, or Irishmen, but for slaveholders only, and the people must submit—that under the pretext of protecting all the institutions and systems guarantied or recognised (according to their own decisions) by the Constitution, men who shall dare utter or publish views and sentiments adverse to such systems, may, by law of Congress, be brought to trial, conviction, and punishment, as criminals, even as traitors; that the system of slavery, with all its mischiefs and abominations, is national and universal, and beyond the power of the States or of the people; if, sir, I say, there be a power anywhere so tremendous as this, we are no longer living under a republican Government, and our land has ceased to be a land of liberty. But this awful and irresponsible power in a body of nine men is what the Democratic party is now bending all its energies to maintain.

Sir, Mr. Jefferson recognised no such authority in the Supreme Court. In a letter to Judge Roane, in 1819, he said:

"In denying the right they [the judges of the Supreme Court] usurp of exclusively explaining the Constitution, I go further than you do, if I understand rightly your quotation from the Federalist, of an opinion that 'the Judiciary is the last resort in relation *to the other departments* of the Government, but not in relation to the rights of the parties to the compact under which the Judiciary is derived.' If this opinion be sound, then, indeed, is our Constitution a complete *felo de se*. For, intending to establish three departments, co-ordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others; and to that one, too, which is unelected by and independent of the nation."

* * * "The Constitution, on this hypothesis, is a mere thing of wax, in the hands of the Judiciary, which they may twist and shape into any form they please. It should be remembered as *an axiom of eternal truth in politics, that whatever power in any Government is independent, is absolute also;* in theory only at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law."

In a letter written in 1820, to Mr. Jarvis, he used the following language:

"The Constitution has erected no such single tribunal, knowing that, to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves."

To Judge Johnson he wrote, in 1823, these striking words:

"I cannot lay down my pen without recurring to one of the subjects of my former letter, for, in truth, there is no danger I apprehend so much as the consolidation of our Government by the noiseless, and therefore unalarming, instrumentality of the Supreme Court. This is the form in *which Federalism now arrays itself; and consolidation is the present principle of distinction between Republicans and pseudo-Republicans, but real Federalists.*"

And General Jackson entertained opinions in reference to the powers of the Supreme Court as little in harmony with the views and doctrines of the modern Democracy as are those I have quoted from Mr. Jefferson. In his message vetoing the bill for rechartering the Bank of the United States, he said:

"The opinion of the judges has no more authority over Congress than the opinion of Congress over the judges; and, on that point, the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve."

It is evident that the sage of Monticello, and the hero of the Hermitage, could they return to earth, would find no seats reserved for them at any Democratic banquet.

The Republicans of to-day stand with Mr. Jefferson and the old Republican party on this question, and not with the oligarchy for whose uses the so-called Democratic organization is kept up.

The Democratic party having made what they are pleased to call the Dred Scott decision the main plank of their platform, I propose to show what that decision is, what it implies, and what is its basis or foundation.

The facts in this case were as follows. I read from the report:

"In the year 1834, the plaintiff, Dred Scott, was a negro slave belonging to Dr. Emerson, who was a surgeon in the army of the United States. In that year, 1834, said Dr. Emerson took the plaintiff from the State of Missouri to the military post at Rock Island, in the State of Illinois, and held him there as a slave, until the month of April or May, 1836. At the time last mentioned, said Dr. Emerson removed the plaintiff from said military post at Rock Island to the military post at Fort Snelling, situate on the west bank of the Mississippi river, in the Territory known as Upper Louisiana, acquired by the United States of France, and situate north of the latitude of 36° 30′ north, and north of the State of Missouri; said Dr. Emerson held the plaintiff in slavery at Fort Snelling, from the said last-mentioned date until the year 1838. * * *

"In the year 1838, said Dr. Emerson removed the plaintiff from said Fort Snelling to the State of Missouri, where he has ever since resided."

In the year 1838, Dr. Emerson sold the plaintiff to the defendant, Sandford.

The defendant pleaded in abatement to the jurisdiction of the court, that the plaintiff was not a citizen of the State of Missouri, because he was a negro of African descent, and his ancestors were of pure African blood, and were brought into this country and sold as negro slaves.

The court sustained the plea in abatement, and decided that, conceding the plaintiff to be a freeman, he was not, under the Constitution, a citizen of the State of Missouri or of the United States, for the reason that he was a negro of African descent, and that his ancestors were of pure African blood, and brought to this country and sold as slaves. This adjudication of course terminated the case, and Dred Scott was turned out of court.

But after the court had thus made an end of the suit, and declared that there were no parties before them, the slaveholding majority proceeded to inquire whether in point of fact the plaintiff was a free man; and this brought them to a consideration of the question of the validity and constitutionality of the Missouri compromise restriction, and their opinion, which for convenience sake I shall hereafter speak of as a decision, although it was not a decision in any proper or legal sense, was, that this restriction was unconstitutional and void, and that Dred Scott remained a slave. Their opinion was clear and explicit, that neither Congress nor the people of a Territory had authority under the Constitution to legislate for the exclusion of slavery from any of the Territories of the United States. By the Constitution itself, they argued, slaves were recognised and known as property; "the right of property in slaves," they said, was "distinctly and expressly affirmed" in that instrument, and the only authority conferred upon Congress was "*the power* COUPLED WITH THE DUTY *of guarding and protecting the owner in his rights.*"

These judges readily admitted that, but for the constitutional sanction of slavery, it would be fully competent for Congress to legislate for its regulation or prohibition in the Territories. They stated that the court had decided in a previous case that the power of Congress to *govern* the Territories was "unquestionable," and added, "in this we entirely concur, and nothing will be found in this opinion to the contrary;" thus destroying, root and branch, the whole doctrine of popular or squatter sovereignty. But, inasmuch as the Constitution has taken hold of slaves as property, and thrown its protection and guaranties around that species of property, it results, they maintained, that Congress, which is itself the creature of the Constiution, cannot have power to destroy or impair that which the Constitution affirms and protects. Now, if it be true that slaves are property under the Constitution of the United States, which is the supreme law; that this instrument, which governs and controls, in respect to all questions upon which it speaks, within all the States, as well as Territories, attaches to a particular class of human beings the character and imprints upon them the stamp of property, and confers upon Congress "the power coupled with the duty of protecting this property," for the reason that it is property by a constitutional recognition, it will be difficult to resist the conclusion to which these judges have arrived; nay, it will be impossible to resist it, or that other conclusion to which this decision reaches, viz: THAT THIS KIND OF PROPERTY MAY BE TAKEN, HELD, USED, BOUGHT AND SOLD, IN EACH AND ALL OF THE STATES OF THE UNION. This result, inevitable from the Dred Scott decision, is what will be judicially asserted whenever the time shall come, and come it will if the Democratic party remains in power but a few years more, for raising the question—whenever, in the opinion of those who control the court, the time is ripe for such a decision—or, in other words, whenever the oligarchy shall believe that the Northern people will submit to it, and consent that every State in the Union shall be a slave State. The real and overshadowing question which by this decision is presented to the country is not

whether freedom is national, but is whether it has even a section where it may dwell; it is whether slavery is not national and universal.

It is clear that whatsoever is property by the highest law of the land is entitled to the rights, immunities, and protections of property, wherever that highest law prevails. The Constitution of the United States is in force in every State of the Union, and all laws of Congress, all laws of States, and all State Constitutions, which are in conflict with its provisions, are inoperative and void. If a slave is property by or under the authority of the Federal Constitution, this relation or character cannot be destroyed, or injuriously affected, by the Constitution of a State; for wherever and in whatever respect these Constitutions are inconsistent with each other, the latter must yield to the former. If the Constitution of the United States declares that a man held as a slave is property, he may be so held, treated, and regarded, in all places where that fundamental and supreme law is in operation; and a provision in the Constitution of the State of Maine, that there shall be no such thing as property in men within that State, cannot stand a moment against the Constitution of the United States, which says that there may be; and the theory of the practical exclusion of slavery by unfriendly legislation is fallacious and wholly inadmissible—it is as unsound as it is dishonest. If the chattelship of a slave is recognised and secured by the Constitution of the United States, it is something more than a merely nominal recognition, for a security which is merely nominal is no security at all. The constitutional guaranty or protection is of no account, if the States, or Territories, or Congress, may at their pleasure render that which is the subject of protection valueless, or not worth possessing. But if it should be conceded, as I will not deny it may be, that the State Legislatures and the legislative authorities for the Territories, whether Federal or local, may pass laws regulating the possession, use, sale, and enjoyment of property in general—if they may, by taxation or otherwise, render the holding of any particular kind of property unprofitable and burdensome, it does not follow that they have such power over slave property, and they have not if the Dred Scott decision be good law, and for this obvious reason—that of all things on earth, of all articles of all names, and descriptions of chattels, goods, wares, and possessions, (with the exception of slaves,) not one is made property by the Federal Constitution, not one is recognised in name or by implication as property. The Constitution recognises undoubtedly the idea of property, but the specific articles or things which shall be held and regarded as such, it does not name or indicate, with the single exception (if the doctrine of the judges of the Supreme Court and the Democratic party be sound) of negro slaves. It does not make horses property, or recognise them as property, and so it is entirely competent for any State or Territory, by its law-making power, to declare that there shall be within its jurisdiction no such thing as property in a horse; whatever is property by statute, may be deprived of that character by statute; and whatever by the common law, or by the understanding and consent of mankind, is regarded as property, may cease to be such in any country, if the law-making power thereof shall so determine. Of the truth of this proposition there can be no doubt; it is acted upon every year in the States and in all sovereignties. The States are sovereign, except in so far as their power is limited by the Constitution of the United States. It is not claimed that the power of the States to declare what shall or shall not be treated as property within their own limits has been taken from them, always excepting the one case of slaves. One State has provided by legislation that there shall be no property in cart-wheels of less than a certain width; another, that there shall be no such thing as property within its jurisdiction in game cocks; another, that an inferior and vicious species of cattle, which were being brought into it from a neighboring country shall not be introduced, held, or kept as property, within its limits; another, that there shall be no protection to, and no property in, domestic liquors, and when the question of the power of the State to pass such a law was raised and presented to the Supreme Court of the United States, that tribunal decided in favor of the power. Thus, in all cases and in reference to all kinds of property, except slave property, the States and Territories have unlimited power; and if they may deny the fact of property in any particular article or thing, they may of course regulate its use and enjoyment.

The truth is, this question of property belongs exclusively to the local sovereignties, and the Constitution of the United States does not in any manner recognise slaves as property. In this country, where the Federal Constitution is silent upon the subject of what is or is not property, the only limitation upon State authority is what possibly may result from the operation of a constitutional law of Congress; as, in the case of a revenue law, the effect may be to recognise property in any article of merchandise imported into the country upon which imposts are levied and paid, which article, thus recognised as property by a law paramount to any State authority, must be respected and treated as such within the States; and if this be true, it illustrates the position, that whatever is property under a recognition superior to State authority enjoys a special protection. If imported liquors are entitled to such protection by operation of a constitutional law of Congress, *a fortiori* is slave property, by virtue of the Constitution itself.

The power of the Territories over property is derived from their organic acts, and is generally, if not always, (with the exception of

slavery prohibitions,) unrestricted by such acts, so that the authority of Territorial Legislatures in respect to property is similar to that of State Legislatures; and the celebrated axiom of Mr. Clay, that "that is property which the law makes property," is true in the States and Territories alike; that is, true in respect to all things which are the rightful subjects of property—which are susceptible of being made property by any human law. Hence it comes that each State and Territory decides for itself what shall be known and respected as property within its jurisdiction. Whatever the law of Massachusetts makes property is property in that State, and whatever the law of Nebraska makes property is property in Nebraska; and nothing is or can be property in either, in violation of the local law, and nothing can be property in any State or Territory because it is property anywhere or everywhere else. The law of Maine must govern in that State, and not the law of North Carolina; the law of Nebraska must govern in Nebraska, and not the law of Alabama. There is no hardship or inequality in all this; the same law applies to all, residents and non-residents. The citizen of New York who removes to Nebraska with his property, does not hold it in Nebraska because it was property in New York, but simply because he finds it to be property in Nebraska by her own law. His title there does not necessarily rest upon the fact that it is property by the general consent of the civilized world, for, notwithstanding that general recognition, it may lose its character of property in Nebraska by the force of her local legislation.

But the States and Territories can pass no unequal laws, and deprive one description of persons or citizens of rights enjoyed by others; they cannot enact that a horse may be property in the hands of one man, and not in those of another; they may impose no unequal taxes, or make unjust discriminations between residents and non-residents, natives and foreigners, citizens of one State and citizens of another State—in this sense, one cannot be deprived of his property without due process of law — but whenever, in the judgment of the law-making authority, the good and welfare of the people and the advancement of the State will be promoted by a general law, operating upon all alike, which shall remove from any article, before held as property, that character or relation, it may do so; otherwise, it is not sovereign.

From this examination of the Dred Scott decision, we perceive the startling character and far-reaching consequences of the new claims of the oligarchy. We find that this Constitution of our fathers, in which Madison would not allow the idea of slavery to be seen at all, and which was accepted as a great charter of human rights, under which it was hoped the people of the United States might be able to rid themselves of this acknowledged evil, carries slavery, of its own force, into every State as well as every Territory of the United States, and plants it there so deeply and firmly that no power remains adequate to its expulsion. The States may prohibit or discourage everything else; but slavery is of so much greater utility and necessity than any other property, that it has been clothed upon with sanctity by the Constitution itself, and is inviolable. The expedient of unfriendly legislation, it has been seen, is not admissible, for the subject to which it is to be applied cannot be affected by it; the property in this case is not, like ordinary property, within the control of State legislation, but it is property that has been raised by the Constitution of the United States to a position where it is unassailable. Any local law impairing a right which rests upon a special constitutional sanction must be declared inoperative, of course. Property founded upon such a right cannot be subjected to any laws or regulations more onerous than are made to apply to other property, or perhaps than attach to the most favored descriptions of property; certainly, any invidious legislation, and all regulations discriminating against it, would be unconstitutional. The laws protecting other property would protect this; actions of case, trespass, replevin—in fine, all the appropriate remedies for injuries to property—would lie as well for torts to this property as to any other. To maim a slave would be trespass, to steal him would be larceny. So, an affirmative code for the protection of slave property would in almost every conceivable case be unnecessary, and unfriendly legislation would in all cases be nugatory. What cannot be done directly cannot be done indirectly. I say this, it will be understood, upon the assumption that the Dred Scott decision is right, and is to be carried out in all its implications by the Federal courts, as it undoubtedly will be, so long as the Democratic party continues in power.

Mr. Chairman, if the Dred Scott decision is good law, and it shall be acquiesced in as such, the question of freedom or slavery in this country is irrevocably settled; the Constitution which the builders constructed is already overthrown, and the Union for liberty and republicanism, which rested thereon, exists no longer, and the foundations of a Union for a grinding servitude on the one side, and an arrogant oligarchy on the other, to be erected upon its ruins, have been commenced.

I have dwelt at length upon this branch of my subject, because I perceive that this decision embraces and involves *every question* in respect to the existence, extension, and perpetuation, of slavery. It is the essential platform of the Democratic party; it covers every claim that the oligarchy sets up; it forbids the prohibition of slavery extension; it declares, in effect, that the Constitution, *ex proprio vigore*, carries slavery into every Territory and every State of the Union, and extends to slave prop-

erty a degree of favor and protection such as is accorded to no other kind of property; it vindicates the slave trade, and demands, by an imperious logic, its reopening and legalization; for, if it is true that negroes have "no rights which white men are bound to respect," if their normal and rightful *status*—I hardly know what word to use when I speak of a man as a thing—is that of property, and if this is so plain that the Supreme Court is bound to say that it is true, although the Constitution makes no reference to them as such, with what propriety can the importation of them be made piracy? What good reason can be given for such a restriction as is contained in the laws against the slave trade, upon what is in itself a legitimate subject of commerce? Why make it criminal to import slaves, when property in them already within the United States is more highly favored by the Constitution than property in any other form?

I come now to inquire in regard to the basis or foundation of this extraordinary decision; to ascertain and examine the grounds upon which it rests, and I discover that they are as follows:

I. That whereas, by the opinions of the civilized world before and at the time of the formation of the Constitution, negroes of African descent were an inferior race, fit only to be slaves, and intended by their Creator to occupy that place or status in the world, it could not have been understood that they were to be citizens of the United States. They were regarded as the subjects of property, and not as persons entitled to the rights and franchises of citizenship.

II. The doctrine of Mr. Calhoun and his disciples, that slavery is not only right and fit, so far as the slave is concerned, but a blessing to free men, a necessary relation in society, and the very corner stone of true and legitimate government.

III. The provisions in the Constitution in reference to the slave trade and the return of fugitives from service or labor.

Under some or all of these heads may be found the reasons which brought the judges, who united in the opinion of the court, to make the Dred Scott decision. And I will here observe, that although in giving in their opinions they differed from each other in many respects, and so far that it may be disputed whether a majority were agreed upon any particular line of reasoning, it can hardly be doubted that what is called the "opinion of the court," pronounced by Chief Justice Taney, embodies in its results the opinions of the majority of the court. This is the understanding of the President, of the South, and of the Democratic party, as is seen by their declarations and platforms.

I. The African race, we are assured by a majority of the court, had for more than a century before the formation of the Constitution, "been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position of society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion." * * * They "were never thought of or spoken of except as property, and when the claims of the owner or the profits of the trader were supposed to need protection."

Mr. Chairman, it is undoubtedly true that for many years preceding the adoption of the Constitution, members of the African race had been held in slavery on this continent; but how and why and by whom this practice was commenced and continued, appears in the quotations which I made at the commencement of these remarks. They were held in that condition, and had been reduced to it, wrongfully and with a strong hand—because they were weak, and not because it was right or just—by the force of superior power, as millions of the white race had for many centuries been held in slavery upon the continent of Europe. They were held as slaves at the formation of the Constitution, because they had been brought here and forced upon our people while they were yet the colonies of Great Britain. After their independence, they could not be enfranchised at once; they could not be placed in possession of political power in a day or a year. But, sir, if there is anything true in the history of those times, the men of the Revolution did not approve or justify the system. They felt it to be wrong, cruelly, strangely wrong; they regarded their relations to these unfortunate beings as false and unnatural, and it was their earnest desire and full determination to change them, as in general terms I have already shown, and as I will more fully prove hereafter. That they or their ancestors regarded the Africans as unfit for "*political relations*"—I mean Africans, as such, and not slaves—is disproved by the fact stated by Judge Curtis in his opinion, and supported by the authorities to which he referred, that prior to this time "all free native-born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and *North Carolina*, though descended from *African slaves*, were not only *citizens* of those States, but such of them as had the other necessary qualifications possessed the franchise of electors on equal terms with other citizens."

That the Africans at the time referred to were "*regarded as so far inferior that they had* NO RIGHTS WHICH WHITE MEN WERE BOUND TO RESPECT, *and that the negro might* JUSTLY *and lawfully be reduced to slavery for his benefit.*" That "*this opinion was at that time fixed and* UNIVERSAL *in the civilized portions of the white race;*" *that* "*it was regarded as an axiom in morals as well as in politics, which* NO ONE *thought of disputing, or supposed to*

be OPEN *to dispute;*" that "men in every grade and position in society" never doubted "*for a moment the correctness of this opinion*"—are asseverations so strange and monstrous, so plainly, greatly, shockingly untrue, that one hardly knows how to meet them—he is staggered and confounded by their grossness and audacity.

But these inventions were necessary, to lay a foundation for the Dred Scott decision, and indeed form its chief corner stone. How totally unsupported they are by the history of those times, I shall show by testimony the most direct and overwhelming, and of which one would suppose Chief Justice Taney could not have been ignorant. That, at the time of the adoption of the Constitution, the opinion in regard to negroes (which the Chief Justice says "was fixed and universal in the civilized portions of the white race") was not as he has stated it, but, on the other hand, that it was considered that the black man *had* "rights which white men were bound to respect;" and that he might *not* "justly be reduced to slavery for the white man's benefit;" that it was *not* an axiom in *morals* that he might *justly* be made a slave; that his true and proper condition was *not* that of a slave, and therefore of property, but that of a human, sentient, responsible, immortal being, possessing the same natural rights with other men, appears from the proceedings of numerous public bodies, the writings and speeches of eminent men, representatives of various interests and classes, of statesmen, politicians, lawyers, philosophers, poets, divines, in this country and in Europe, whose opinions, with the members of the Convention which framed the Constitution, were of the highest authority, and some of whom, indeed, were themselves members of that body. From this mass of testimony I will make such selections as my time will permit.

In the year 1785, three years before the adoption of the Federal Constitution, a bill for the *abolition of slavery* was passed by the Legislature of New York, to which Chancellor Livingston, *clarum et venerabile nomen*, the magistrate who administered to George Washington his first oath of office as President of the United States, objected, not that it abolished slavery, but *but that it did not go further, and clothe the negro with all the rights and privileges of white men.* To his objections I beg to call your particular attention; they were as follows:

"1. Because the last clause of the bill enacts that no negro, mulatto, or mustee, shall have a legal vote in any case whatsoever; which implicatively excludes persons of this description from all share in the Legislature, and those offices in which a vote may be necessary, as well as from the important privilege of electing those by whom they are to be governed; the bill having, in other instances, placed the children that shall be born of slaves in the rank of citizens, agreeable both to the spirit and letter of the Constitution, they are, as such, entitled to all the privileges of citizens; nor can they be deprived of these essential rights without shocking those principles of equal liberty which every page in that Constitution labors to enforce.

"2. Because it holds up a doctrine which is repugnant to the principles on which the United States justify their separation from Great Britain, and either enacts what is wrong or supposes that those may rightfully be charged with the burdens of Government who have no representative share in imposing them.

"3. Because this class of disfranchised and discontented citizens, who at some future period may be both numerous and wealthy, may, under the direction of ambitious or factious leaders, become dangerous to the State, and effect the ruin of a Constitution whose benefits they are not permitted to enjoy.

"4. Because the creation of an order of citizens who are to have no legislative or representative share in the Government, necessarily *lays the foundation of an aristocracy of the most dangerous and malignant kind, rendering power permanent and hereditary in the hands of those persons who deduce their origin through white* ancestors only; though these, at some future period, should not amount to a fiftieth part of the people. That this is not a chimerical supposition will be apparent to those who reflect that the term *mustee* is indefinite; that the desire of power will induce those who possess it to exclude competitors by extending it as far as possible; that, supposing it to extend to the seventeenth generation, every man will have the blood of many more than two hundred thousand ancestors running in his veins, and that, if any of these should have been colored, his posterity will, by the operation of this law, be disfranchised; so that, if only one-thousandth part of the black inhabitants now in the State should intermarry with the white, their posterity will amount to so many millions that it will be difficult to suppose a fiftieth part of the people born within this State two hundred years hence, who may be entitled to share in the benefits which our excellent Constitution intended to secure to every free inhabitant of the State.

"5. Because the last clause of the bill, being general, deprives those black, mulatto, and mustee citizens, *who have heretofore been entitled to a vote*, of this essential privilege, and under the idea of political expediency, without their having been charged with any offence, disfranchises them, in direct violation of the established rules of justice, against the letter and spirit of the Constitution, and tends to support a doctrine which is inconsistent with the most obvious principles of government, that the Legislature may arbitrarily dispose of the dearest rights of their constituents."

Have I made no mistake? Is it true, is it possible, that in the face of this noble protest, which more than covers all the positions of the Republican party, Judge Taney could have used the language I have quoted? Can it be, that in drawing an elaborate opinion in a great case, the most important in its bearing and issues ever pronounced by an earthly court, and in which historical accuracy was of the first necessity, he could have ignored the record I have cited, and the facts which it proves, and have solemnly declared, that in 1788, when the Constitution was formed, and for more than a century before, the black race were regarded as "altogether unfit to associate with the white race, either in social or political relations," and might "justly and lawfully be reduced to slavery for their benefit," and that this opinion was "*fixed and universal* in the civilized portion of the white race?"

The Legislature of Pennsylvania, in 1780, passed an act abolishing slavery in that State, which was introduced by the following preamble, the authorship of which I have heard—I know not with what authority—ascribed to Dr. Franklin:

"When we contemplate our abhorrence of that condition to which the arms and tyranny of Great Britain were exerted to reduce us; when we look back upon the variety of dangers to which we have been exposed, and how miraculously our wants in many instances have been supplied, and our deliverances wrought, when even hope and human fortitude have become unequal to the conflict, we are unavoidably led to a serious and grateful sense of the manifold blessings which we have undeservedly received from the hand of that Being from whom every good and perfect gift cometh. Impressed

with these ideas, we conceive that it is our duty, and we rejoice that it is in our power, to extend a portion of that freedom to others which hath been extended to us, and release from that state of thraldom, to which we ourselves were tyrannically doomed, and from which we have now every prospect of being delivered. It is not for us to inquire why, in the creation of mankind, the inhabitants of the several parts of the earth were distinguished by a difference in feature or complexion.

"It is sufficient to know that all are the work of an Almighty hand. We find, in the distribution of the human species, that the most fertile as well as the most barren parts of the earth are inhabited by men of a complexion different from ours, and from each other; from whence we may reasonably as well as religiously infer, that He who placed them in their various situations hath extended equally His care and protection to all; and it becometh not us to counteract His mercies. We esteem it a peculiar blessing granted to us, that we are enabled this day to add one more step toward universal civilization by removing, as much as possible, the sorrows of those who have lived in undeserved bondage, and by which, from the assumed authority of the Kings of Great Britain, no effectual legal relief could be obtained. Weaned by a long course of experience from those narrow prejudices and partialities we had imbibed, we find our hearts enlarged with kindness and benevolence towards men of all conditions and nations; and we conceive ourselves, at this particular period, extraordinarily called upon, by the blessings which we have received, to manifest the sincerity of our profession, and to give a substantial proof of our own gratitude.

"And whereas the condition of those persons who have heretofore been denominated negro and mulatto slaves has been attended with circumstances which not only deprived them of the common blessings which by nature they were entitled to, but has cast them into the deepest afflictions, by an unnatural separation and sale of husband and wife from each other, and from their children—an injury the greatness of which can only be conceived by supposing that we were in the same unhappy case; in *justice*, therefore, to persons so unhappily circumstanced, and who have no prospect before them whereon they may rest their sorrows and their hopes—have no reasonable inducement to *render their service to society which they otherwise might;* and also in grateful commemoration of our own happy deliverance from that state of unconditional submission to which we were doomed by the tyranny of Britain: Therefore, *Be it enacted*," *&c.*

Sir, this splendid preamble, and the act which it introduced, were no trifling or obscure matters. They were the production of great men, acting on a most conspicuous theatre, and their work is one of historical interest and grandeur. It was to this preamble that Mr. Webster referred, at Philadelphia, in 1844, in these words:

"That preamble was the work of your fathers! They sleep in honored graves! There is not, I believe, one man living now who was engaged in that most righteous act. There are words in that preamble fit to be read by all who inherit the blood, by all who bear the name, by all who cherish the memory of an honored and virtuous ancestry. And I ask every one of you now present, ere eight-and-forty hours pass over your heads, to turn to that act, to read that preamble; and if you are Pennsylvanians, the blood will stir and prompt you to do your duty. There are arguments in that preamble far surpassing anything that my poor ability could advance, and there I leave the subject."

Oh, sir, that the Pennsylvanians would now read that preamble! The blood would stir, and they would be prompted to their duty by taking that commanding position in the army of freedom to which they are called by the just renown and the glorious memories of their ancestors, whose utterances in behalf of liberty and human rights were among the most eloquent and fervid that have ever been heard upon this continent.

But, Mr. Chairman, where has Judge Taney been, that, notwithstanding this action of the Pennsylvania Legislature eight years before the Constitution was adopted, he should have the boldness to say that, by the common consent of mankind, at the time this act was passed, negroes "had no rights which white men were bound to respect," and might justly and lawfully be reduced to slavery for his benefit; and that this was an axiom in morals as well as politics which *no one* thought of disputing, and upon which men of every grade and position in society daily and habitually acted?

Sir, is it not manifest and certain that the men of the Revolution, the framers of our institutions, acted in the light and spirit of these testimonies, rather than in that thick darkness of inhumanity and practical atheism in which the Chief Justice has been groping?

In 1773, Dr. Benjamin Rush, of Philadelphia, who to the reputation of an eminent physician added that of a distinguished philanthropist and statesman, issued an address to the inhabitants of America on slave-keeping, in which he said:

"Liberty and property form the basis of abundance and good agriculture. I never observed it to flourish where those rights of mankind were not firmly established. The earth, which multiplies her productions with a kind of profusion under the hands of the free-born laborer, seems to shrink into barrenness under the sweat of the slave. Such is the will of the Great Author of our nature, who has created man free, and assigned to him the earth, that he might cultivate his possession with the sweat of his brow, but still should enjoy his liberty."

Warming with his subject, and passing from the material to the moral and religious aspect of it, he exclaims:

"Ye men of sense and virtue, ye advocates for American liberty, rouse up, and espouse the cause of humanity and general liberty. Bear a testimony against a vice which degrades human nature, and dissolves that universal tie of benevolence which should connect all the children of men together in one great family. *The plant of liberty is of a tender a nature, that it cannot thrive long in the neighborhood of slavery.* Remember, the eyes of all Europe are fixed upon you, to preserve an asylum for freedom in this country, after the last pillars of it are fallen in every other quarter of the globe.

"But chiefly, ye ministers of the gospel, whose dominion over the principles and actions of men is so universally acknowledged and felt, ye who estimate the worth of your fellow creatures by their immortality, and therefore must look upon all mankind as equals, *let your zeal keep pace with your opportunities to put a stop to slavery.* While you enforce the duties of 'tithe and cummin,' neglect not the weightier laws of justice and humanity. Slavery is a hydra sin, and includes in it every violation of the precepts of the law and the gospel. *In vain will you command your flocks to offer up the incense of faith and charity, while they continue to mingle the sweat and blood of negro slaves with their sacrifices.*"

To our conscientious and devoted clergymen who, for following too closely the precepts and injunctions of their Divine Master, have been showered with torrents of abuse by demagogues and blackguards, these earnest words of a true patriot and a sincere Christian, bear healing in their wings.

Dr. Franklin, in 1790, but two years subsequent to the adoption of the Constitution, in the name and behalf of "The Pennsylvania Society for Promoting the Abolition of Slavery," prepared a memorial to the Congress of the United States, in which he used the following language:

"From a persuasion that equal liberty was originally the portion and is still the birthright of all men, and influenced by the strong ties of humanity and the principles of their in

nation, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bonds of slavery, and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your attention to the subject of slavery; that you will be pleased to countenance the restoration to liberty of those unhappy men, who, amidst the free and of freedom, are degraded into perpetual bondage, and who, amid the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency of character from the American people; that you will promote mercy and *justice*"

[Judge Taney says everybody believed that slavery was justi e]

towards this distressed race; and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow-men."

It is not a little strange that Dr. Franklin and his associates should have been so ignorant of the Constitution, and what it was made for, and of the sentiment of the times, as not to have known that it was intended to recognise and perpetuate human slavery, and that, as a point of fact, it regarded slaves as property, and incapable of being made citizens by any power in the country. Instead of knowing the facts now asserted by Judge Taney as the basis of a judicial decision, they even supposed (so friendly, in their view, was that instrument to liberty) that Congress might in some way "countenance" the abolition of slavery.

That Virginia was in no wise behind Pennsylvania in her desire for the abolition of slavery, in her sense of its injustice, and in her advocacy of the rights of human nature, is of common knowledge, derived from the citations so often made from the writings of Washington, Jefferson, Madison, Patrick Henry, Tucker, Wythe—indeed, of all her great names of the Revolutionary period. I need not quote them. But I will read a brief extract, not so well known, from an address published in the *Virginia Gazette* in 1767:

"Now, as freedom is unquestionably the birthright of all mankind, Africans as well as Europeans, to keep the former in a state of slavery is a constant violation of that right, and therefore of justice."

And yet the opinion was "universal," that Africans had no rights!

But, sir, to remove all foundation for the argument raised by Chief Justice Taney, and to prove affirmatively and beyond doubt that the framers of the Constitution could not have been influenced by such opinions and purposes as he has ascribed to them, I refer to an act of the Virginia Legislature in 1783, (Hening's Statutes, vol. ii, page 332,)—for a knowledge of which I am indebted to the able and very admirable oration of Mr. George Sumner, delivered before the authorities of Boston on the 4th of July, 1859—which repeals the law of 1779, granting citizenship to whites, and enacts—

"That all *free* persons, born within the territory of this Commonwealth, shall be deemed *citizens* of this Commonwealth."

Had the Chief Justice never heard that in his native State of Maryland there were very decided opinions in regard to the wrongfulness and inexpediency of slavery, at and before the formation of the Constitution? Can he believe that the people of that State understood that they had, so far as their own vote was concerned, adopted a fundamental law for the Union, which stamped the African with an incapacity to become a citizen, that looked upon him as a proper and rightful subject of merchandise? Under what hallucination was he suffering, that he could assert that it was in Maryland, as well as in the other States, an axiom in morals and politics, that the negro might be justly reduced to slavery, when he must have known that, the very next year after the adoption of the Constitution, an abolition society was organized in that State, the result of the discussions, which for years had taken place in her Legislature, and of such opinions as had been expressed by Pinkney, Martin, and others of her influential and distinguished citizens? Mr Pinkney had warned them "that slavery would work a decay of the spirit of liberty in the free States," and that, "by the eternal principles of natural justice, no master in the State has a right to hold his slave in bondage a single hour."

Luther Martin said, in 1787:

"Slavery is inconsistent with the genius of republicanism, and has a tendency to destroy those principles on which it is supported, as it lessens the sense of the equal rights of mankind, and habituates us to tyranny and oppression."

But it would be an endless task to reproduce even a tithe of the evidence that might be relied upon to sustain the assertion that Judge Taney has wholly misunderstood or misrepresented the opinions and sentiments which were influential and controlling with the members of the Constitutional Convention. Massachusetts had already abolished slavery; the testimony of her great men, the Adams's and others, was against the giant iniquity. It had no defenders in all New England. Indeed, I hazard nothing in saying that the opinion was general, and all but universal, from the St. Croix to the St. Mary, against the postulates of the Chief Justice.

Inasmuch as some reliance has been placed by the court upon what is assumed to have been the public opinion of Europe upon this question of slavery, it will not be out of place to give a few extracts from the writings of some of her greatest minds.

Lord Mansfield, in 1777, in an opinion which declared the law of England, said:

"The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasion, and time itself, whence it was created, are erased from the memory. It is so odious, that nothing can support it but positive law. Whatever inconveniences therefore may follow from the decision, I cannot say this case (Somerset's) is allowed or approved by the law of England, and therefore the black must be discharged."

John Locke wrote:

"Slavery is so vile, so miserable a state of man, and so directly opposite to the generous temper and courage of our nation, that it is hard to be convinced that an Englishman, much less a gentleman, should plead for it."

Charles James Fox, the early and true friend

of America, the large-hearted and the wise, said:

"With regard to a regulation of slavery, my detestation of its existence induces me to know no such a thing as a regulation of robbery and a restriction of murder. Personal freedom is a right, of which he who deprives his fellow-creature is criminal in so depriving; and he who withholds is no less criminal in withholding."

Edmund Burke declared—

"That slavery is a state so improper, so degrading, and so ruinous to the feelings and capacities of human nature, that it ought not to be suffered to exist."

Montesquieu, among Frenchmen, wrote:

"It is impossible for us to suppose these creatures to be men; because, allowing them to be men, a suspicion would follow that we ourselves are not Christians."

Again:

"In Democracies, where they are all upon an equality, slavery is contrary to the principles of the Constitution."

Lafayette said:

"I would never have drawn my sword in the cause of America, if I could have conceived that thereby I was founding a land of slavery."

But enough, and more than enough, of these authorities. I submit that they overthrow, beyond controversy, the historical statements and propositions of the Chief Justice.

II. While the propositions which I have been considering are undoubtedly those upon which the decision was intended to rest, it is manifest that they harmonize with, and derive aid from, the political philosophy of Mr. Calhoun, Mr. McDuffie, and others of that school, which teaches that Governments founded on the idea of universal liberty are radically false, and necessarily insecure; that a pure Democracy, or a Republic resting upon universal suffrage, must be practical impossibilities, and that the only true and stable Government is that which recognises and provides for the existence of classes among the people over whom it extends. The theory is, that Governments can securely rest only on the intelligence and virtue of those who govern, and that it is idle to expect that the requisite intelligence for the wise exercise of the power of selecting rulers and making laws can be found among the classes who perform the physical labor of a country; that such as, from their position and circumstances in life, are obliged to labor daily in the field or shop, or elsewhere, cannot find time to inform themselves in respect to the facts necessary to be known for the formation of correct opinions upon questions of administration and policy; that they can have no leisure for political inquiries, and for the acquisition of the general knowledge indispensable to a wise and judicious use of the elective franchise. Only those, we are told, who are relieved from this necessity of daily labor, by the labor of subordinate and inferior classes, can properly understand the science of government and the wants of a nation, and be able to know the persons who are wise and virtuous enough to be intrusted with the duties of administration. "Those who think must govern those who work," says this philosophy; and if it says truly, Mr. Calhoun's proposition, "*that slavery is the corner-stone of all true Governments,*" is a sound one; and it results that if slavery be not the corner-stone of this Government, this Government has no good and safe foundation. If these positions are well taken, the proper and normal condition of *some* men is that of slaves and of property. And, inasmuch as the framers of the Constitution were wise men, and understood this, and in all respects knew what they were about, it cannot be doubted that in the fundamental law which they made they recognised the existence of such a class, not only as a fact, but as a necessity; not merely as an accident, but as an essential condition of the new society; and although they speak of guaranteeing to the States a republican form of government, that was understood to refer to Governments not monarchical, and not to exclude those in which, as in the Roman, Venitian, and other republics which have existed in Europe at different periods for many centuries, the people were divided into castes and classes. So when an organic law was framed, there can be no doubt—such is the argument—that its authors regarded the degraded Africans as belonging to a disabled and servile class, being all laborers, and stamped upon them an incapacity to be citizens, and treated them as the rightful subjects of property.

Undoubtedly, if the doctrine of the Calhoun Demoeracy be sound, a very strong argument may be adduced in favor of the Dred Scott decision. According to this theory, slavery is of Divine authority, and exists by natural law. It is, as we were told by the framers of the Lecompton Constitution, "before and higher than all constitutional sanctions." God made one class or description of men, or certain classes and descriptions of men, for slaves, and the Government which does not perceive and act upon this essential truth is false and impious.

That the followers of Mr. Calhoun—and they are now the ruling spirits in the Democratic party—are fully committed to these doctrines and are preparing to accept their logical results, is seen in the fact that they are beginning to maintain that wherever a servile and laboring class of black men cannot be found in a community, their place must be supplied with white men.

Mr. George Fitzhugh, of Richmond, Virginia, a political writer of large reputation in the South, published, in 1854, a work entitled "*Sociology for the South; or, the Failure of Free Society,*" in which he said:

"Slavery protects the weaker members of society, just as do the relations of parents, guardian, and husband, and is as necessary, as natural, and almost as universal, as those relations."

"Ten years ago, we became satisfied that slavery, BLACK OR WHITE, was right and necessary. We advocated this doctrine in very many essays."

The Richmond *Inquirer* says:

"While it is far more obvious that negroes should be slaves than whites—for they are only fit to labor, and not to direct—*yet the principle of slavery is itself right, and does not depend on difference of complexion.*"

In another article is the following:

"*Freedom is not possible without slavery.* Every civil polity
t every social system implies gradation of rank and con-
on. *In the States of the South, an aristocracy of white men*
ased on negro slavery; AND THE ABSENCE OF NEGRO SLAVERY
ULD BE SUPPLIED BY WHITE MEN."

It was to an assumed degradation of white
or that Mr. Mason, of Virginia, undoubtedly
erred the other day, in the Senate of the Uni-
States, when he spoke of the free States as
vile States. Governor Hammond, of South
rolina, a few years ago, referred to free labor
erms of similar import, when he denomina-
our free white laborers the "mud sills of
iety."

II. The court, in the opinion read by the Chief
stice, rely in some measure upon two clauses
he Constitution, which, they say, "point di-
ly and specifically to the negro race as a
rate class of persons, and show clearly
they were not regarded as a portion of the
ple or citizens of the Government then
ed." The best way to negative this state-
t is to read the clauses referred to; they
as follows:

he migration or importation of such *persons* as any of
tates *now existing* shall think proper to *admit*, shall not
ohibited by the Congress prior to the year 1808, but a
r duty may be imposed on such importation, not ex-
g ten dollars for each person."

o *person* held to service or labor in one State, *under the*
hereof, escaping into another, shall, in consequence of
w or regulation therein, be discharged from such ser-
r labor, but shall be delivered up on claim of the party
om such service or labor may be due."

order to maintain that the "persons"
en of in these clauses were incapable of
g citizens, that they were recognised as
erty, or as the fit subjects of property, it
be shown that these results are deducible
other parts of the Constitution, (which is
pretended,) or from the universally known
admitted fact that negroes were an inferior
without rights, whose normal *status* was
of slaves, and whose true description was
of property. Because it will be seen at
that if these "persons" had rights
ch white men were bound to respect," if
were capable of enjoying social or politi-
relations with others, if they could by any
bility be entitled to be regarded and re-
ed as men, or as anything except slaves and
rty, the interpretation of the court could not
stained. The words used do not imply that
es were necessarily slaves—they might
sed in respect to those who could be free
and citizens. How are we to ascertain
ier the "persons" referred to were inca-
of being citizens, and capable only of
chattels? Plainly, by showing that ne-
were meant by the word "persons,"
ver used in these clauses, and further that
universal opinion of the times, or by the
s and necessity of the thing itself, or by
they were of a race that could not be citi-
and who ought to be, and of right were,
ls. So these clauses do not relieve the
as they fully understood they did not,
from the necessity of going beyond them to ascertain the true effect and meaning of the Constitution. But it will be observed that the Constitution speaks always of "persons," and never of slaves or property. And when it speaks of "persons" as "held to service," it does not recognise their service as being in virtue of any of its own provisions, but as *under the laws of the States*. It excludes, carefully and industriously, the idea or the implication, that slaves are, or can be, property under the Constitution.

In respect to the clause relating to the slave trade, I will observe, in addition to what has already been said, that if the framers of the Constitution believed slavery to be right and just, and that negroes were of a race so inferior and of a nature so low that they could not be the subjects of citizenship, and were the legitimate subjects of commerce, it is difficult to see why they were so anxious to engraft upon it a clause enabling Congress to embarrass and cripple the practice or system—why they should provide for damaging if not for destroying a system which they ALL—"the opinion was fixed and universal," you know—agreed was wise, just, benevolent, and expedient?

But one thing more remains to me in connection with this case—if, indeed, it be not a work of supererogation—and that is, to show that the Democratic party, as it calls itself, accepts and affirms this decision in all its parts, with all its doctrines, implications, and results.

The President of the United States, in his well-known Connecticut letter, dated August 15, 1857, writes:

"Slavery existed at that period, and still exists, in Kansas, under the Constitution of the United States. This point has at last been finally decided by the highest tribunal known to our laws."

He also says, in one of his messages, that—

"Neither Congress, nor a Territorial Legislature, nor any human power, has any authority to annul or impair this vested right."

Charles O'Conor, a distinguished Democratic lawyer of the city of New York, in a speech at a great Union meeting held at the Academy of Music, in that city, on the 19th of December last, said:

"Gentlemen, the Constitution guaranties to the people of the Southern States protection to their slave property. In that respect, it is a solemn compact between the North and the South."

In a subsequent part of his speech, he affirmed the propositions which I have shown are the basis and groundwork of the Dred Scott decision:

"I insist," said Mr. O'Conor, "that negro slavery is not unjust. * * * I maintain that negro slavery is not unjust; that it is benign in its influences upon the white man, and upon the black man; that it is ordained by nature; that it is an institution created by nature itself."

Nothing can be clearer upon this point than what I shall read from a speech delivered by Mr. BRECKINRIDGE, the Vice President of the United States, at Frankfort, Kentucky, in December last:

"Gentlemen, I bow to the decision of the Supreme Court of the United States upon every question within its proper jurisdiction, whether it corresponds with my private opinion or not; only, I bow a trifle lower when it happens to do so, as the decision in the Dred Scott case does. I approve it in all its parts as a sound exposition of the law and constitutional rights of the States, and citizens that inhabit them. It may not be improper for me here to add, that so great an interest did I take in that decision, and in its principles being sustained and understood in the Commonwealth of Kentucky, that I took the trouble, at my own cost, to print or have printed a large edition of that decision, to scatter it over the State, and, unless the mails have miscarried, there is scarcely a member elected to the Legislature who has not received a copy with my frank.

"To approve the decision of the Supreme Court in the Dred Scott case would seem to settle the whole question of Territorial sovereignty, as I think will presently appear. * * *

"I repose upon the decision of the Supreme Court of the United States, as to the point that neither Congress nor the Territorial Legislature has the right to obstruct or confiscate the property of any citizen, slaves included, pending the Territorial condition. * * *

"So that, in regard to slave property, as in regard to any other property recognised and guarded by the Constitution, it is the duty, according to the Supreme Court, of all the courts of the country to protect and guard it by their decision, whenever the question is brought before them. To which I will only add this, that the judicinl decisions in our favor must be maintained—these judicial decisions in our favor must be sustained.

"If present remedies are adequate to sustain these decisions, I would have nothing more done. I, with many other public men in the country, believe they are able. If they are not, if they cannot be enforced for want of the proper legislation to enforce them, sufficient legislation must be passed, or our Government is a failure. Gentlemen, I see no escape from that conclusion."

And, Mr. Chairman, there is not a particle of difference in principle between Mr. BRECKINRIDGE and Mr. DOUGLAS; and all there is in appearance, is that, while the latter accepts the principles and dogmas of the court, in the most explicit terms, the former states also their logical results and requirements.

Let us see how this is. In a speech at New Orleans, on the 6th of December, 1858, Mr. DOUGLAS said:

"The Democracy of Illinois, in the first place, accepts the decision of the Supreme Court of the United States in the case of Dred Scott, as an AUTHORITATIVE *interpretation of the Constitution.*"

He is willing to surrender all power to interpret the Constitution, so far as he is able, in favor of the Supreme Court.

"In accordance with that decision," he goes on to say, "we hold that SLAVES ARE PROPERTY, and hence on an equality with all other kinds of property; and the owner of a slave has the same right to move into a Territory, and carry his slave property with him, as the owner of any other property has to go there and carry his property."

I submit that this covers the whole ground occupied by Mr. Breckinridge and President Buchanan. How, if slaves are property under an "authoritative interpretation of the Constitution," that property can be exposed to unfriendly legislation, in a Territory subject to the Constitution, Mr. DOUGLAS has not shown, and cannot. It is simply absurd to say that it can be. And so Mr. DOUGLAS himself understands; for in the same speech he continues:

"And let me say to you, that if you oppose this JUST doctrine, if you attempt to exempt slavery from the rules which apply to other property, you will *abandon your strongest grounds of defence against the assaults of the Black Republicans and abolitionists.*"

Certainly Mr. DOUGLAS saw that the idea of property in slaves, under the Federal Constitution, was the *strongest* ground of defence that the slaveholders can have. And although he speaks of the applicability of the same rules to slave as to other property, he cannot be ignorant that anything which is property by virtue, and with the stamp, of the Constitution, must be unexposed to attacks which may be made on property not thus fortified.

But, not willing to stop here, the Senator from Illinois proceeded to endorse the reasons upon which the decision is placed by the court, by denying the natural and clear import of the Declaration of Independence, and complaining of Southern men—this Northern Senator complained of Southern slaveholders!—for not meeting as they should the Northern argument drawn from that instrument. Said he:

"I must be permitted to tell you, that many *even of your Southern men have* QUAILED *under that argument, and failed to meet it.*"

They have *quailed* before the great utterances of the Declaration, and have been unable to deny them—he, never. He can deny the immortal truths of that instrument without quailing!

That these extracts contain his deliberate opinions and his real position on this question, appears from some remarks which he made in the Senate of the United States on the 23d day of February, 1859:

"I do not put slavery on a different footing from other property. I recognise it as property under what is *understood to be the decision of the Supreme Court.* I agree that the owner of slaves has the same right to remove to the Territories, and carry his slave property with him, as the owner of any other species of property; and to hold the same subject to such local laws as the Territorial Legislature may CONSTITUTIONALLY PASS; and if any person shall feel aggrieved by such local legislation, he may *appeal to the Supreme Court to test the validity of such laws.*"

There you have it—subject to such legislation as the Territorial Legislatures may *constitutionally pass!* And at that very time he knew that this court, in the decision which he says he accepts, had declared that a Territorial Legislature could pass no laws *impairing* the right of property in slaves, and had said that the only power conferred on Congress (or its creature, the Territorial Legislature) was "*the power coupled with the duty of guarding and protecting* the owner [of slave property] in his rights."

But compare the resolutions proposed by the majority and by the minority of the committee at the Charleston Convention. The former were in these words:

"1st. That the Government of a Territory is provisional and temporary, and during its existence all citizens of the United States have an equal right to settle with their property in the Territory, without their rights, either of persons or property, being destroyed or injured by Congressional or Territorial legislation.

"2d. That it is the duty of the Federal Government, in all its departments, to protect the rights of persons and property to the Territories, and wherever else its constitutional authority extends."

Those offered by the DOUGLAS men, as reported in the newspapers, are as follows:

"That, inasmuch as differences of opinion exist in the Democratic party as to the nature and extent of the powers and duties of Congress, under the Constitution of the United States, over the institution of slavery within the Territories

"*Resolved*, That the Democratic party will *abide by the decision of the Supreme Court of the United States over the institution of slavery in the Territories.*"

And that decision (and Mr. DOUGLAS speaks f it as a decision in the speech from which I ave quoted) goes to the extent that the slave ower is entitled to all that is claimed in the ajority resolutions.

But, sir, as if to place this matter beyond all ossibility of doubt, Mr. DOUGLAS, in his recent peech in the Senate, has renewed the expreson of his entire willingness to leave the desion of the question, whether Congress or the eople of the Territories can exclude slavery om the Territories, or legislate to its prejuce therein, to the Supreme Court. He read, confirmation of the soundness of his own osition, a letter from the Hon. A. H. Steens, of Georgia, dated May 5th, 1860, from hich I make the following extract:

'And if Congress did not have, or does not have, the power exclude slavery from a Territory, as those on our side tended, and still contend, they have not, then they could and did not confer it upon the Territorial Legislatures. of the South held that Congress had not the power to clude, and could not delegate a power they did not pos-s; also, that the people had not the power to exclude der the Constitution; and therefore the mutual agreement s to take the subject out of Congress, and leave the ques-n of the power of the people where the Constitution had ced it—with the courts. This is the whole of it. The stion in dispute is a judicial one, and no act of Congress, any resolution of any party Convention, can in any way ect it, unless we first abandon the position of non-intertion by Congress."

Now, when Mr. DOUGLAS made this speech, knew perfectly well what the Supreme Court d said the law was on this question; he ew, as everybody knows, what they will de-e whenever it is brought before them, to t: that the only authority which Congress, the Territorial Legislatures, have over slave- is the power coupled with the duty of arding and protecting it. So the only differ-e between him and his opponents is, that ile the latter ask that the Democratic platm shall express clearly the logical results of Dred Scott decision, he desires that it shall lorse the decision in general terms, leaving pen to such interpretation in the North as and his friends may wish to give it. That nebody is to be cheated by the political nble-rigging now being played by the Dematic leaders, is certain; and it is quite mani- who it will not be. It will not be the thern propagandists or Mr. DOUGLAS, for latter, in the speech to which I have just rred, suggests to his Southern friends, that ll the doctrines now advocated, his are the t and surest for their interests.

He tells them that it is to the operation of principle of squatter sovereignty that ery has possession of New Mexico, and of ry inch of territory outside of the States it now occupies, and he asks whether it not be likely to give them more by-and-by, n portions of Mexico shall be acquired.

I repeat, sir, for the point cannot be made prominent—the Dred Scott decision, with its just deductions, covers the whole ground of difference in principle and in policy between the parties. Whoever accepts it, and acknowledges its authority as a settlement of a political question, is, and of right ought to be, a member of the so-called Democratic party; and whoever rejects it as such a settlement is a Republican, and can consistently act with no other party.

Mr. Chairman, the prompt and facile servitor of slavery, the Democratic party, respects no other interest and knows no other love. Its National Conventions, its Federal Administrations, and its Congressional majorities, are occupied exclusively with the wants, claims, and exactions, of a single interest—the interest of capital invested in men, women, and children, as articles of ownership, bargain, and sale. Pray tell me, sir, what is there in all this broad land, or beneath the sun, for which this party labors or cares, for which it thinks, or speaks, or legislates, except the advantage, the perpetuity, and the universality, of this thing of human slavery? Turn to the records of this and the other House, and show me what policies, what acts of legislation, what measures of wisdom and beneficence, it inaugurates or introdnces for the benefit of the country at large, and in behalf of all the sections; and especially, what solicitude it ever manifests for the interests of freedom, its agriculture, manufactures and commerce, its farms and shops and ships! No; it will pay hundreds of millions for Cuba and an aristocracy of planters, but to furnish homes for the homeless, whether of the North, the South, the East, the West, or from other lands, to encourage the aspirations of honest labor, it will not give an acre of our boundless possessions. Reckless of the noble objects of government, false to the true mission of a political party, deaf to the calls of patriotism and nationality, it projects the transformation of our political system from a Republic of freemen to an Oligarchy of slaveholders; it derides the faith of the fathers; it assails the Legislative and Executive departments with the arts and instruments of corruption; it subsidizes the judicial tribunals; and erects within its own confines an iron despotism, which strikes down those of its members who would question the infallibility or check the arrogance of its master.

Mr. Chairman, it is in this unprecedented and alarming condition of the country, and against combinations and purposes such as I have described, that the Republican party enters upon the campaign of 1860. The successor and faithful representative of the Republicanism of other days, it becomes the immediate and positive enemy of the modern Democratic party. It is the only organization in the country which recognises the necessity and acknowledges the duty of resisting to the utmost the new and dangerous schemes and dogmas of the party

which has been so long in possession of the Government. Unlike another political organization, it perceives clearly that the time has come when a decisive and uncompromising stand must be taken against the aggressions of the slave power; and it feels that if there is not a party now prepared to say to this power, "No farther," it will be hopeless to expect that one faithful and brave enough to do this will arise hereafter upon any summons that may be issued. It sees that if the true and loyal patriots of the country are not justified in resisting the claims and exactions now made, nothing can be suggested, nothing attempted, nothing accomplished hereafter, which would render it their duty to make such resistance; and that they may confess and declare that henceforward there is to be no opposition to any doctrine that may be asserted, or to any injustice that may be practiced, however false and fatal they may be.

What is the obvious and unquestionable duty of the Republican party in this exigency? It declares that its purpose is to resist the extension of slavery; to maintain the Constitution and preserve the Union, by adhering faithfully to the opinions and sustaining the policy of the great men who laid so wisely the foundations of our institutions, by "restoring the Government to the principles of Washington and Jefferson," by resisting legally, but with unfaltering purpose, the efforts that are being made to convert this fairest fabric of Freedom that the round earth supports, into a Government whose cardinal policy and highest duty is the protection of slavery.

It declares, that while seeking nothing for which it has not the express and certain warrant of Washington, Adams, Jefferson, Madison, and all the great men of the heroic era, to which they are not directed and enjoined by them, and for which they have not the plain and admirable chart of the Constitution, and to which they are not drawn by the fixed and eternal polar star of the Declaration of Independence, it will submit to nothing wrong, and least of all to that change in our Government prophesied and attempted by the Dred Scott decision.

The plain and imperative duty of the Republican party is to live up in all prudence and wisdom, and in all fidelity, to these declarations—to be careful to overstep in no wise the boundaries of constitutional authority, and in all ways to respect the rights of the various sections and interests—to keep the word of honor and good faith not to the ear only, but to the hope; to show how fair, manly, and trustworthy men may be who are sincere and honest, how safe and wise those who have faith in eternal truths, and who will not, for party or office, surrender the deep convictions of their minds, but will maintain them to the end, against all entreaties, all threats, and all compromises. This, sir, for the Republicans, is the line of duty and the road to success. We believe in what we profess in our hearts and hearts; we live there, or have no life. We are strong when faithful and true, and weak when we act as if we doubted the soundness of our principles or the policy of our aims. We know and we feel that the great essential truths of our party ought to prevail, and that it is our duty to uphold and establish them; and we ought to understand that there is no greater verity than this: that "when God has told men what they ought to do, he has already told them what they can."

Let us act in the spirit of this faith, and right minded, truth-loving men will seek our fellowship, fill our ranks, and carry forward our columns. And thus, succeeding the conflict and the strife incident to all great and lasting achievements, will come the triumph—after the cross of trial the crown of honor. Then, when this party shall have been placed in power, when its influence shall have been felt, its policy understood, and its practical beneficence realized, another "era of good feeling" will ensue, and North and South again dwell together in mutual fellowship and respect. Their sons and daughters will join once more in songs of deliverance; the earth itself shall throb with a new joy, the sun shine with a brighter and kindlier light, and the winds shall quire and the waters murmur the reverential hymns of peace restored.

Mr. Chairman, it may not become me, one of the humblest members of the Republican party, to make suggestions in respect to its duty, and the words that I have spoken may not be those of wisdom, but I know that they are the words of earnestness and sincerity, and I feel that they come from a heart loyal in all its recesses, and which vibrates in all its foldings to the Constitution and the Union, and to that Liberty which they were established to secure.

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GEN. JAMES TALLMADGE'S

SPEECH

IN THE

HOUSE OF REPRESENTATIVES,

ON THE

MISSOURI QUESTION,

FEB. 15, 1819.

SPEECH

OF THE

HON. JAMES TALLMADGE,

OF

DUCHESS COUNTY, NEW YORK,

IN THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

ON

SLAVERY.

BOSTON:
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M DCCC XLIX.

PREFATORY REMARKS.

The general interest which prevails in every part of the United States at the present time, in relation to the existence of slavery, and especially its introduction into new territory, induces me to believe that the reprint of the fragments of Congressional history which compose this pamphlet may afford gratification to many who are not conversant with the debates of 1819, in the House of Representatives.

I have searched the records of that day with some diligence, and I find that very few of the recent discussions in Congress embody more important statements than are contained in the able speech of General James Tallmadge, of New York, and who was then the Representative from Duchess County, in that State. The ordinance of 1787 was the work of Nathan Dane, of Massachusetts. After the adoption of the Constitution, the question upon the restriction of slavery in any new State, did not offer itself to Congress until the year 1819, when a bill was introduced into the House, "for authorizing the people of the territory of Missouri to form a Constitution and State government, and for the admission of the same into the Union." At this crisis, General Tallmadge nobly asserted the cause of human freedom. I quote from the *National Intelligencer* of Feb. 15th, 1819: —

"HOUSE OF REPRESENTATIVES, FEB. 13.

"The House, on the motion of Mr. Scott, resolved itself into a committee of the whole, on the bills to enable the people of the territories of Missouri and Alabama to form State governments.

"The bill relating to Missouri territory was first taken up. In the course of the consideration Mr. Tallmadge moved an amendment substantially to limit the existence of slavery in the new State, by declaring all men free who should be born in the territory after its admission into the Union, and providing for the gradual emancipation of those now held in bondage. This motion gave rise to an interesting and pretty wide debate, in which the proposition was supported by the mover, and by Messrs. Livermore and Mills; and was opposed by Messrs. Clay, (Speaker,) Barbour and Pindall; but before any question was taken, the Committee rose, and the House adjourned."

The *Intelligencer of the* 16*th Feb.* gives the following account of the proceedings of the House:

"The House having again resolved itself into a committee of the whole, (on the Missouri Bill.)

"The question being on the proposition of Mr. Tallmadge, to amend the bill by adding to it the following *proviso:*

"'And provided that the further introduction of slavery, or involuntary servitude, into the said State, be prohibited, except for the punishment of crimes, whereof the party shall have been duly convicted; and that all children of slaves born within the said State, after the admission thereof into the Union, shall be free, but may be held to service until the age of twenty-five years.'

"The debate which commenced on Saturday was to-day resumed on this proposition; which was supported by Mr. Taylor, Mr. Mills, Mr. Livermore, and Mr. Fuller; and opposed by Mr. Barbour, Mr. Clay, Mr. Pindall, and Mr. Holmes.

"Besides the above gentlemen, Mr. Harrison and Mr. Hendricks spoke on points incidentally introduced into the debate.

(GEN. HARRISON, here mentioned, was then a member from Ohio.)

"The question being put on the motion of Mr. Tallmadge, the vote was, for the amendment, 79; against it, 67; so the amendment was agreed to."

On this debate and vote, the editor of the *Intelligencer* remarks, (Feb. 16):

"In the House of Representatives (yesterday) a decision took place in Committee of the Whole, which, if confirmed by the House, may be expected to have an important bearing on the political relations of the several States, and to have a wider scope of operation than on the face of it would be supposed. It was to annex a restriction on the embryo State of Missouri, from admitting into the Constitution which the people are to be authorized to form, the recognition of the principle of slavery. This is the *first instance* of such a restriction being imposed on the new States; and the result of the motion to superadd it to the provisions of the bill, appears to have been *wholly unexpected.*"

On the 16th of February, (we further learn from the reports of the proceedings in the same paper,) the bill was taken up by the House, as reported from the Committee of the Whole; and, after a long debate, the question was taken on the first part of Mr. Tallmadge's amendment, and carried, — yeas, 87; nays, 76, — and the latter part of the amendment (relating to the children of slaves) was also carried, — yeas, 82; nays, 78.

"So the whole of the amendments, as proposed by *Mr. Tallmadge*, were agreed to.

"The question on ordering the bill to be engrossed for a third reading, was decided in the affirmative, 97 to 56, and the House adjourned."

In the Senate, on the 22nd of February, the first clause of Mr. Tallmadge's amendment was stricken out, — yeas, 22; nays, 16.

Among the yeas we observe the names of a few northern men, viz., Harrison Gray Otis, of Massachusetts, Mr. Palmer, of Vermont, and Mr. Lacock, of Pennsylvania.

The last clause of the amendment was also stricken out by the Senate, — yeas, 31; nays, 7.

"On the 2nd of March the House refused to concur with the Senate in striking out the amendment, — yeas, 76; nays, 78, — and so the bill was lost by disagreement between the two houses.

"The next Congress, however, passed a bill to admit Missouri into the Union, with the celebrated compromise section, restricting slavery in all territory of the United States (except the State of Missouri) north of latitude 36° 30′. The House adopted the compromise on the 2nd of March, 1820, — yeas, 90; nays, 87.

"At the session of 1819, before referred to, a bill to establish the territory of Arkansas was passed. While it was under discussion in the House, *Mr. John W. Taylor*, of New York, proposed, on the 18th of February, a restriction as to slavery, in the words of Mr. Tallmadge's proviso, which had been adopted by the House two days previous. The first clause of the amendment was lost, — yeas, 70; nays, 71, — the latter part carried, — yeas, 75; nays, 73; — but finally stricken out by the casting vote of the Speaker, (Mr. Clay,) — yeas, 88; nays, 88.

"Mr. Taylor again moved the first clause, which was lost, — yeas, 86; nays 90, — and the Bill was finally passed on the 20th of February."

The people of the territory of Alabama were authorized to form a State convention at the same session, of 1819, — no opposition being made to the bill. Here I think it right to say, that while Mr. Tallmadge was nobly opposed to the enlargement of the area of slavery, by engrafting it upon new territory, he had that deference for *constitutional and state rights* which led him to withhold his opposition in this case. And, I would observe, that the facts of the admission of Alabama are peculiarly deserving of notice, and the course adopted by Mr. Tallmadge exhibits him most favorably, as a high-minded and discriminating politician.

The people of the territory of Alabama had petitioned for admission into the Union; — the bill was before the same Congress, but stood low down on the calendar of business, and *during the debate* on the Missouri bill, a motion was made by

the delegate to take the question for the admission of Alabama out of the order of business.

Mr. Tallmadge, of New York, rose and seconded the motion, to take the question for the admission of Alabama out of its order. He said, the principles he had avowed in the debate on the Missouri bill, would guide his course on this bill. That slavery in the old States which formed the Constitution was a question of State authority, and did not belong to the United States, and was to be regulated by the compromises then made in the Constitution. That in cases of newly acquired territory, not inhabited, he considered it an open question for legislation, on the expediency of the terms and conditions of admission; that, in the case of Alabama, it was territory, since acquired by purchase, *it was a settled country* and *with a dense population, pre-existing before the purchase.* That it would be a violation of the rights of property, and bad faith to the inhabitants and settlers to add to Alabama the condition which he had moved and was now under discussion on the Missouri bill. Mr. T. said he should not, therefore, move such condition to the Alabama bill, and he believed no such condition would be moved. He therefore moved the question on the bill for the admission of Alabama.

The question was taken, and carried without opposition or division, and contained no restrictions as to slavery.

The conduct of Gen. Tallmadge and his colleague, the late Mr. Taylor, gave great popularity to both these gentlemen, and forever endeared them to the people of their State; Gen. Tallmadge has ever since, whether in high public station, or in private life, enjoyed the fullest confidence of his fellow-citizens, and been delegated by them to both the Conventions for forming and altering the Constitution. The speech made in Congress was printed at the time, by a society in New York, as appears from the Letter annexed; and was also thought worthy of publication in England and Germany, where the boldness of its character excited much surprise. In a recent perusal of this production, I was so much pleased with its manly and consistent view of the matter in hand, and its remarkable adaptation to the present posture of public affairs,

that I have deemed it worthy of a more general circulation than it has had among the *present generation*. I regard the document as a public one; and, believing that the honorable gentleman still holds the same views upon Slavery and Freedom, as are conveyed in his admirable argument, I have felt no hesitancy in placing it before the public upon my individual responsibility. I am rejoiced to know that the citizens of the great State of New York are sound upon this important subject; and it is gratifying to see the general feeling of the other States now coinciding with views originally promulgated by her distinguished son, who yet lives in the enjoyment of health and activity, to witness the prevalence of sentiments which it was his honor and happiness *first* to announce, at such an eventful period of the history of our country.

R. F. J.

Boston, Feb. 1, 1849.

SPEECH

OF THE

HONORABLE JAMES TALLMADGE,

MEMBER OF CONGRESS FROM DUCHESS COUNTY, STATE OF NEW YORK.

Debate on "The Bill for Authorizing the People of the Territory of Missouri to form a Constitution and State Government, and for the Admission of the same into the Union."

The amendment proposed, was a condition in these words — "And provided also, that the further introduction of slavery or involuntary servitude into the said State, be prohibited, except for the punishment of crimes, whereof the party shall have been duly convicted — and that all children of slaves, born within the said State, after the admission thereof into the Union, shall be free, but may be held to service until the age of twenty-five years."

Mr. TALLMADGE, of New York, rose.—Sir, said he, it has been my desire and my intention to avoid any debate on the present painful and unpleasant subject. When I had the honor to submit to this House the amendment now under consideration, I accompanied it with a declaration, that it was intended to confine its operation to the newly acquired territory across the Mississippi; and I then expressly declared, that I would in no manner intermeddle with the slaveholding states, nor attempt manumission in any one of the original states in the Union. I even went further, and stated, that I was aware of the delicacy of the subject—and, that I had learned from southern gentlemen, the difficulties and the dangers of having free blacks intermingling with slaves; and, on that account, and with a view to the safety of the white population of the adjoining states, I would not even advocate the prohibition of slavery in the Alabama territory; because, surrounded as it was by slaveholding states, and with only imaginary lines of division, the intercourse between slaves and free blacks could not be prevented, and a servile war might be the result. While we deprecate and mourn over the evil of slavery, humanity and good morals

require us to wish its abolition, under circumstances consistent with the safety of the white population. Willingly, therefore, will I submit to an evil, which we cannot safely remedy. I admitted all that had been said of the danger of having free blacks visible to slaves, and therefore did not hesitate to pledge myself, that I would neither advise nor attempt coercive manumission. But, sir, all these reasons cease when we cross the banks of the Mississippi, a newly acquired territory, never contemplated in the formation of our government, not included within the compromise or mutual pledge in the adoption of our Constitution—a territory acquired by our common fund, and ought justly to be subject to our common legislation.

When I submitted the amendment now under consideration, accompanied with these explanations, and with these avowals of my intentions and of my motives—I did expect that gentlemen, who might differ from me in opinion, would appreciate the liberality of my views, and would meet me with moderation, as upon a fair subject for general legislation. I did expect, at least, that the frank declaration of my views, would protect me from harsh expressions, and from the unfriendly imputations which have been cast out on this occasion. But, such has been the character and the violence of this debate, and expressions of so much intemperance, and of an aspect so threatening, have been used, that continued silence on my part would ill become me, who had submitted to this House the original proposition. While this subject was under debate before the committee of the whole, I did not take the floor, and I avail myself of this occasion to acknowledge my obligations to my friends, (Mr. Taylor and Mr. Mills,) for the manner in which they supported my amendment, at a time, when I was unable to partake in the debate. I had only on that day returned from a journey long in its extent, *and painful in its occasion;* and, from an affection of my breast, I could not then speak; I cannot yet hope to do justice to the subject, but I do hope to say enough to assure my friends, that I have not *left* them in the controversy, and to convince the opponents of the measure, that their violence has not driven me from the debate.

Sir, the honorable gentleman from Missouri, (Mr. Scott,) who has just resumed his seat, has told us of the *ides of March*, and has cautioned us to "beware of the fate of Cæsar and of Rome." Another gentleman, (Mr. Cobb,)

from Georgia, in addition to other expressions of great warmth, has said, *that if we persist the Union will be dissolved ;* and, with a look fixed on me, has told us, "we have kindled a fire, which all the waters of the ocean cannot put out ; which seas of blood can only extinguish !"

Language of this sort has no effect on me ; my purpose is fixed ; it is interwoven with my existence ; its durability is limited with my life ; it is a *great* and *glorious cause*, setting bounds to a *slavery*, the most cruel and debasing the world has ever witnessed ; it is the freedom of man ; it is the cause of unredeemed and unregenerated human beings.

If a dissolution of the Union must take place, *let it be so !* If civil war, which gentlemen so much threaten, must come, I can only say, *let it come !* My hold on life is probably as frail as that of any man who now hears me ; but, while that hold lasts, it shall be devoted to the service of my country—to the freedom of man. If blood is necessary to extinguish any fire which I have assisted to kindle, I can assure gentlemen, while I regret the necessity, I shall not forbear to contribute my mite. The violence, to which gentlemen have resorted on this subject, will not move my purpose, nor drive me from my place. I have the fortune and the honor to stand here as the representative of *freemen*, who possess intelligence to know their rights, who have the spirit to maintain them. Whatever might be my own private sentiments on this subject, standing here as the representative of others, no choice is left me. I know the will of my constituents, and, regardless of consequences, I will avow it—as their representative, I will proclaim their hatred to slavery, in every shape—as their representative, here will I hold my stand, till this floor, with the Constitution of my country which supports it, shall sink beneath me. If I am doomed to fall, I shall at least have the painful consolation to believe that I fall, as a fragment, in the ruins of my country.

The gentleman from Virginia, (Mr. Gholston,) has accused my honorable friend from New Hampshire, (Mr. Livermore,) of "speaking to the galleries, and, by his language, endeavouring to excite a servile war," and has ended by saying, "he is no better than Arbuthnot or Ambrister ; and deserves no better fate." When I hear such language uttered upon this floor, and within this House, I am constrained to consider it as hasty and unintended language, resulting from the vehemence of debate, and not really intending the personal indecorum the expressions would seem to indicate. (Mr.

Gholston asked to explain, and said he had not distinctly understood Mr. T.—Mr. Livermore called on Mr. G. to state the expressions he had used. Mr. G. then said he had no explanation to give.) Mr. T. said he had none to ask—he continued to say, he would not believe any gentleman on this floor would commit so great an indecorum against any member, or against the dignity of this House, as to use such expressions, really intending the meaning which the words seem to import, and which had been uttered against the gentleman from New Hampshire. (Mr. Nelson of Virginia, in the chair, called to order, and said no personal remarks would be allowed.) Mr. T. said he rejoiced the chair was at length aroused to a sense of its duties. The debate had, for several days, progressed with unequalled violence, and all was in order—but now, when at length this violence on one side is to be resisted, the chair has discovered it is out of order. I rejoice, said Mr. T., at the discovery, I approve of the admonition, while I am proud to say, it has no relevancy to me. It is my boast that I never uttered an unfriendly personal remark on this floor, but I wish it distinctly understood, that the immutable laws of self-defence will justify going to great lengths, and that, in the future progress of this debate, the rights of defence would be regarded.

Sir, has it already come to this—that, in the Congress of the United States—that, in the legislative councils of Republican America, the subject of slavery has become a subject of so much feeling—of so much delicacy—of such danger, that it cannot safely be discussed? Are members who venture to express their sentiments on this subject, to be accused of talking to the galleries, with intention to excite a *servile* war; and of meriting the fate of Arbuthnot and Ambrister? Are we to be told of the dissolution of the Union; of civil war, and of seas of blood? And yet, with such awful threatenings before us, do gentlemen, in the same breath, insist upon the encouragement of this evil; upon the extension of this monstrous scourge of the human race? An evil so fraught with such dire calamities, to us, as individuals, and to our nation, and threatening, in its progress, to overwhelm the civil and religious institutions of the country, with the liberties of the nation, ought, at once, to be met, and to be controlled. If its power, its influence, and its impending dangers, have already arrived at such a point, that it is not safe to discuss it on this floor; and it cannot

now pass under consideration as a proper subject for general legislation, what will be the result when it is spread through your widely extended domain? Its present threatening aspect, and the violence of its supporters, so far from inducing me to yield to its progress, prompt me to resist its march. Now is the time. It must now be met, and the extension of the evil must now be prevented, or the occasion is irrecoverably lost, and the evil can never be contracted.

Extend your view across the Mississippi, over your newly acquired territory — a territory so far surpassing, in extent, the limits of your present country, that that country which gave birth to your nation, which achieved your Revolution, consolidated your Union, formed your Constitution, and has subsequently acquired so much glory, hangs but as an appendage to the extended empire over which your republican government is now called to bear sway. Look down the long vista of futurity; see our empire, in extent unequalled, in advantageous situation without a parallel, and occupying all the valuable part of our continent! Behold this extended empire, inhabited by the hardy sons of American freemen, knowing their rights, and inheriting the will to protect them — owners of the soil on which they live, and interested in the institutions which they labor to defend; with two oceans laving your shores, and tributary to your purposes; bearing on their bosoms the commerce of your people! Compared to yours, the governments of Europe dwindle into insignificance, and the whole world is without a parallel. But, reverse this scene; people this fair dominion with the slaves of your planters; extend *slavery*, this bane of man, this abomination of heaven, over your extended empire, and you prepare its dissolution; you turn its accumulated strength into positive weakness; you cherish a canker in your breast; you put poison in your bosom; you place a vulture on your heart — nay, you whet the dagger and place it in the hands of a portion of your population, stimulated to use it by every tie, human and divine! The envious contrast between your happiness and their misery, between your liberty and their slavery, must constantly prompt them to accomplish your destruction! Your enemies will learn the source and the cause of your weakness. As often as external dangers shall threaten, or internal commotions await you, you will then realize, that, by your own procurement, you have placed amidst your families, and in the bosom of your country, a

population producing, at once, the greatest cause of individual danger and of national weakness. With this defect, your government must crumble to pieces, and your people become the scoff of the world!

We have been told, with apparent confidence, that we have no right to annex conditions to a State, on its admission into the Union; and it has been urged that the proposed amendment, prohibiting the further introduction of slavery, is unconstitutional. This position, asserted with so much confidence, remains unsupported by any argument, or by any authority derived from the Constitution itself. The Constitution strongly indicates an opposite conclusion, and seems to contemplate a difference between the old and the new States. The practice of the government has sanctioned this difference in many respects.

The third section of the fourth article of the Constitution says, "*new States may be admitted by the Congress into this Union,*" and it is silent as to the terms and conditions upon which the new States may be so admitted. The fair inference from this silence is, that the Congress which might admit should prescribe the time and the terms of such admission. The tenth section of the first article of the Constitution says, "*the migration or importation of such persons as any of the States* NOW EXISTING *shall think proper to admit, shall not be prohibited by the Congress prior to the year* 1808." The words "*now existing*" clearly show the distinction for which we contend. The word *slave* is nowhere mentioned in the Constitution; but this section has always been considered as applicable to them, and unquestionably reserved the right to prevent their importation into any *new State* before the year 1808.

Congress, therefore, have power over the subject, probably as a matter of legislation, but more certainly as a right, to prescribe the time and the condition upon which any new State may be admitted into the family of the Union. Sir, the bill now before us proves the correctness of my argument. It is filled with conditions and limitations. The territory is required to take a census, and is to be admitted only on condition that it have 40,000 inhabitants. I have already submitted amendments preventing the State from taxing the lands of the United States, and declaring that all navigable waters shall remain open to the other States, and be exempt from any tolls or duties. And my friend, (Mr.

Taylor,) has also submitted amendments, prohibiting the State from taxing soldiers' lands for the period of five years. And to all these amendments we have heard no objection — they have passed unanimously. But now, when an amendment, prohibiting the further introduction of slavery, is proposed, the whole House is put in agitation, and we are confidently told that it is unconstitutional to annex conditions on the admission of a new State into the Union. The result of all this is, that all amendments and conditions are proper, which suit a certain class of gentlemen, but whatever amendment is proposed, which does not comport with their interests or their views, is unconstitutional, and a flagrant violation of this sacred charter of our rights. In order to be consistent, gentlemen must go back and strike out the various amendments to which they have already agreed. The Constitution applies equally to all, or to none.

We have been told, that this is a new principle for which we contend, never before adopted, or thought of. So far from this being correct, it is due to the memory of our ancestors to say, it is an old principle, adopted by them as the policy of our country. Whenever the United States have had the right and the power, they have heretofore prevented the extension of slavery. The States of Kentucky and Tennessee were taken off from other States, and were admitted into the Union without condition, because their lands were never owned by the United States. The territory northwest of the Ohio is all the land which ever belonged to them. Shortly after the cession of those lands to the Union, Congress passed, in 1787, a compact which was declared to be unalterable, the sixth article of which provides that "*there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.*" In pursuance of this compact, all the States formed from that territory have been admitted into the Union upon various considerations, and amongst which the sixth article of this compact is included as one.

Let gentlemen also advert to the laws for the admission of the State of Louisiana into the Union; they will find it filled with conditions. It was required not to form a constitution upon the principles of a republican government, but it was required to contain the "fundamental principles of civil and religious liberty." It was even required, as a condition

of its admission, to keep its records and its judicial and legislative proceedings in the English language; and also to secure the trial by jury, and to surrender all claim to unappropriated lands in the territory, with the prohibition to tax any of the United States lands.

After this long practice and constant usage to annex conditions to the admission of a State into the Union, will gentlemen yet tell us it is unconstitutional, and talk of our principles being novel and extraordinary? It has been said, that if this amendment prevails, we shall have a union of States possessing unequal rights. And we have been asked whether we wished to see such a "*chequered union?*" Sir, we have such a union already. If the prohibition of slavery is the denial of a right, and constitutes a chequered union, gladly would I behold such rights denied, and such a chequer spread over every State in the Union. It is now spread over the States northwest of the Ohio, and forms the glory and the strength of those States. I hope it will be extended from the Mississippi to the Pacific Ocean.

We have been told that the proposed amendment cannot be received, because it is contrary to the treaty and cession of Louisiana "Article 3. The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, their property, and the religion which they profess." I find nothing, said Mr. T., in this article of the treaty, incompatible with the proposed amendment. The rights, advantages, and immunities of citizens of the United States are guaranteed to the inhabitants of Louisiana. If one of them should choose to remove into Virginia, he could take his slaves with him; but if he removes to Indiana, or any of the States northwest of the Ohio, he cannot take his slaves with him. If the proposed amendment prevails, the inhabitants of Louisiana, or the citizens of the United States, can neither of them take slaves into the State of Missouri. All, therefore, may enjoy equal privileges. It is a disability, or what I call a blessing, annexed to the particular district of country, and in no manner attached to the individual. But, said Mr. T., while I have no doubt that the treaty

contains no solid objection against the proposed amendment, if it did, it would not alter my determination on the subject. The Senate, or the treaty-making power of our government, have neither the right nor the power to stipulate, by a treaty, the terms upon which a people shall be admitted into the Union. This House have a right to be heard on the subject. The admission of a State into the Union is a legislative act, which requires concurrence of all the departments of legislative power. It is an important prerogative of this House, which I hope will never be surrendered.

The zeal and the ardor of gentlemen, in the course of this debate, has induced them to announce to this House, that, if we persist and force the State of Missouri to accede to the proposed amendment, as the condition of her admission into the Union, she will not regard it, and, as soon as admitted, will alter her constitution, and introduce slavery into her territory. Sir, I am not now prepared, nor is it necessary to determine, what would be the consequence of such a violation of faith — of such a departure from the fundamental condition of her admission into the Union. I would not cast upon a people so foul an imputation, as to believe they would be guilty of such fraudulent duplicity. The States northwest of the Ohio have all regarded the faith and the condition of their admission ; and there is no reason to believe the people of Missouri will not also regard theirs. But, sir, whenever a State admitted into the Union shall disregard and set at nought the fundamental conditions of its admission, and shall, in violation of all faith, undertake to levy a tax upon lands of the United States, or a toll upon their navigable waters, or introduce slavery, where Congress have prohibited it, then it will be in time to determine the consequence. But, sir, if the threatened consequences were known to be the certain result, yet would I insist upon the proposed amendment. The declaration of this House, the declared will of the nation, to prohibit slavery, would produce its moral effect, and stand as one of the brightest ornaments of our country.

It has been urged, with great plausibility, that we should spread the slaves now in our country, and thus spread the evil, rather than confine it to its present districts. It has been said, we should thereby diminish the dangers from them, while we increase the means of their living, and augment their comforts. But, you may rest assured that this

reasoning is fallacious, and that, while slavery is admitted, the market will be supplied. Our coast, and its contiguity to the West Indies and the Spanish possessions, render easy the introduction of slaves into our country. Our laws are already highly penal against their introduction, and yet, it is a well known fact, that about fourteen thousand slaves have been brought into our country this last year.

Since we have been engaged in this debate, we have witnessed an elucidation of this argument, of bettering the condition of slaves, by spreading them over the country. A slave driver, a trafficker in human flesh, as if sent by Providence, has passed the door of your Capitol, on his way to the West, driving before him about fifteen of these wretched victims of his power, collected in the course of his traffic, and, by their removal, torn from every relation, and from every tie which the human heart can hold dear. The males, who might raise the arm of vengeance and retaliate for their wrongs, were hand-cuffed, and chained to each other, while the females and children were marched in their rear, under the guidance of the driver's whip! Yes, sir, such has been the scene witnessed from the windows of Congress Hall, and viewed by members who compose the legislative councils of Republican America.

Sir, in the course of the debate on this subject, we have been told that, from the long habit of the southern and western people, the possession of slaves has become necessary to them, and an essential requisite in their living. It has been urged, from the nature of the climate and soil of the southern countries, that the lands cannot be occupied or cultivated without slaves. It has been said that the slaves prosper in those places, and that they are much better off there than in their own native country. We have even been told that, if we succeed, and prevent slavery across the Mississippi, we shall greatly lessen the value of property there, and shall retard, for a long series of years, the settlement of that country.

Sir, said Mr. T., if the western country cannot be settled without slaves, gladly would I prevent its settlement till time shall be no more. If this class of arguments is to prevail, it sets all morals at defiance, and we are called to legislate on the subject, as a matter of mere personal interest. If this is to be the case, repeal all your laws prohibiting the slave trade; throw open this traffic to the commercial states

of the East; and, if it better the condition of these wretched beings, invite the dark population of benighted Africa to be translated to the shores of Republican America. But, sir, I will not cast upon this or upon that gentleman an imputation so ungracious as the conclusion to which their arguments would necessarily tend. I do not believe any gentleman on this floor could here advocate the slave trade, or maintain, in the abstract, the principles of slavery. I will not outrage the decorum, nor insult the dignity of this House, by attempting to argue in this place, as an abstract proposition, the moral right of slavery. How gladly would the "*legitimates of Europe chuckle*," to find an American Congress in debate on such a question.

As an evil brought upon us without our own fault, before the formation of our government, and as one of the sins of that nation from which we have revolted, we must of necessity legislate upon this subject. It is our business so to legislate, as never to encourage, but always to control this evil; and, while we strive to eradicate it, we ought to fix its limits, and render it subordinate to the safety of the white population, and the good order of civil society.

On this subject the eyes of Europe are turned upon you. You boast of the freedom of your constitution and your laws; you have proclaimed, in the Declaration of Independence, "*That all men are created equal; that they are endowed by their Creator with certain unalienable rights — that amongst these are life, liberty, and the pursuit of happiness;* and yet you have slaves in your country. The enemies of your government, and the legitimates of Europe, point to your inconsistencies, and blazon your supposed defects. If you allow slavery to pass into territories where you have the lawful power to exclude it, you will justly take upon yourself all the charges of inconsistency; but, confine it to the original slaveholding States, where you found it at the formation of your government, and you stand acquitted of all imputation.

This is a subject upon which I have great feeling for the honor of my country. In a former debate upon the Illinois constitution, I mentioned that our enemies had drawn a picture of our country, as holding in one hand the Declaration of Independence, and with the other brandishing a whip over our affrighted slaves. I then made it my boast that we could cast back upon England the accusation, and that she

had committed the *original sin* of bringing slaves into our country. Sir, I have since received through the post office, a letter, post-marked in South Carolina, and signed, "*A Native of England*," desiring that, when I had occasion to repeat my boast against England, I would also state that she had atoned for her original sin, by establishing in her slave colonies a system of humane laws, meliorating their condition and providing for their safety, while America had committed the secondary sin of disregarding their condition, and had even provided laws by which it was not murder to kill a slave. I felt the severity of the reproof; I felt for my country. I have inquired on the subject, and I find such were formerly the laws in some of the slaveholding States; and that even now, in the State of South Carolina, by law, the penalty of death is provided for stealing a slave, while the murder of a slave is punished by a trivial fine. Such is the contrast and the relative value which is placed, in the opinion of a slaveholding State, between the property of the master and the life of a slave.

Gentlemen have undertaken to criminate and to draw odious contrasts between different sections of our country — I shall not combat such arguments; I have made no pretence to exclusive morality on this subject, either for myself or my constituents; nor have I cast any imputations on others. On the contrary, I hold that mankind under like circumstances are alike, the world over. The vicious and unprincipled are confined to no district of country, and it is for this portion of the community we are bound to legislate. When honorable gentlemen inform us, we overrate the cruelty and the dangers of slavery, and tell us that their slaves are happy and contented, and would even contribute to their safety, they tell us but very little: they do not tell us, that while their slaves are happy, the slaves of some depraved and cruel wretch, in their neighborhood, may not be stimulated to revenge, and thus involve the country in ruin. If we had to legislate only for such gentlemen as are now embraced within my view, a law against robbing the mail would be a disgrace upon the nation; and, as useless, I would tear it from the pages of your statute book; yet sad experience has taught us the necessity of such laws — and honor, justice, and policy, teach us the wisdom of legislating to limit the extension of slavery.

Sir, in the zeal to draw sectional contrasts, we have been

told by one gentleman, that gentlemen from one district of country talk of their religion and their morality, while those of another practice it. And the superior liberality has been asserted of southern gentlemen over those of the north, in all contributions to moral institutions, for bible and missionary societies. I understand too well the pursuit of my purpose to be decoyed and drawn off into the discussion of a collateral subject. I have no inclination to controvert these assertions of comparative liberality. Although I have no idea they are founded in fact, yet, because it better suits the object of my present argument, I will, on this occasion, admit them to the fullest extent. And what is the result? Southern gentlemen, by their superior liberality in contributions to moral institutions, justly stand in the first rank, and hold the first place in the brightest page of the history of our country. But, turn over this page, and what do you behold? You behold them contributing to teach the doctrines of Christianity in every quarter of the globe. — You behold them legislating to secure the ignorance and stupidity of their own slaves! You behold them prescribing by law, penalties against the man that dares teach a negro to read. Such, sir, is the statute law of the state of Virginia. [Mr. Bassett and Mr. Tyler said that there was no such law in Virginia.]

No, sir, said Mr. T., I have mis-spoken myself; I ought to have said, such is the statute law of the state of Georgia. Yes, sir, while we hear of a liberality which civilizes the savages of all countries, and carries the Gospel alike to the *Hottentot* and the *Hindoo*, it has been reserved for the republican state of Georgia, not content with the care of its overseers, to legislate to secure the oppression and the ignorance of their slaves. The man who there teaches a negro to read, is liable to a criminal prosecution. The dark benighted beings of all creation profit by our liberality — save those of our own plantations. Where is the missionary who possesses sufficient hardihood to venture a residence to teach the slaves of a plantation? Here is the stain! Here is the stigma! which fastens upon the character of our country; and which, in the appropriate language of the gentleman from Georgia, (Mr. Cobb,) *all the waters of the ocean cannot wash out; which seas of blood can only take away.*

Sir, there is yet another, and an important point of view, in which this subject ought to be considered. We have been told by those who advocate the extension of slavery into the

Missouri, that any attempt to control this subject by legislation, is a violation of that faith and mutual confidence, upon which our Union was formed, and our Constitution adopted. This argument might be considered plausible, if the restriction was attempted to be enforced against any of the slaveholding states, which had been a party in the adoption of the Constitution. But it can have no reference or application to a new district of country, recently acquired, and never contemplated in the formation of government, and not embraced in the mutual concessions and declared faith, upon which the Constitution was adopted. The Constitution provides, that the representatives of the several states to this House, shall be according to their number, including *three-fifths* of the slaves in the respective states. This is an important benefit yielded to the slaveholding states, as one of the mutual sacrifices for the Union. On this subject I consider the faith of the Union pledged; and I never would attempt coercive manumission in a slaveholding state.

But none of the causes which induced the sacrifice of this principle, and which now produce such an unequal representation of the free population of the country, exists as between us and the newly acquired territory across the Mississippi. That portion of country has no claims to such an unequal representation, unjust in its results upon the other states. Are the numerous slaves in extensive countries, which we may acquire by purchase, and admit as states into the Union, at once to be represented on this floor, under a clause of the Constitution, granted as a compromise and a benefit to the southern states, which had borne part in the Revolution? Such an extension of that clause in the Constitution, would be unjust in its operations, unequal in its results, and a violation of its original intention. Abstract from the moral effects of slavery, its political consequences, in the representation under this clause of the Constitution, demonstrate the importance of the proposed amendment.

Sir, I shall bow in silence to the will of the majority, on which ever side it shall be expressed; yet I confidently hope that majority will be found on the side of an amendment, so replete with moral consequences, so pregnant with important political results.

PROCEEDINGS

OF THE

MANUMISSION SOCIETY

OF THE CITY OF NEW YORK,

AND THE CORRESPONDENCE OF THEIR COMMITTEE WITH

MESSRS. TALLMADGE AND TAYLOR.

NEW YORK, FEB. 24, 1819.

GENTLEMEN, — The New York Society for promoting the manumission of slaves, &c., have directed us, as their committee, to transmit to you the enclosed resolutions.

It is grateful to our feelings to be the Medium on this occasion, of communicating to you the sincere and unanimous acknowledgments of the society, for services honorable alike to the public and personal character of those by whom they have been performed, and to the state, by whose representatives, her public opinion on the subject of SLAVERY, has been so manfully asserted.

With sentiments of respectful consideration, we have the honor to be,
Your ob't serv'ts,

I. M. ELY,
HIRAM KETCHUM,
GEORGE NEWBOLD.

To the Hon. Messrs. JAMES TALLMADGE, }
and JOHN W. TAYLOR. }

In the New York Manumission Society.

At a special meeting, held in the city of New York, February 23, 1819 —

The minutes of the proceedings of the House of Representatives of the United States, on the bill for authorizing the people of the territory of Missouri, to form a constitution and state government, and for the

admission of the same into the Union, and on the bill to establish the territorial government of the Arkansas territory, having been read; from which it appears, that motions were introduced, by the Honorable JAMES TALLMADGE, and the Hon. JOHN W. TAYLOR, representatives from this state, for preventing the further introduction of slavery into the proposed state and territory, and for securing the ultimate emancipation of all children, who may hereafter be born of slaves, in such state and territory: The following resolutions, were thereupon, on motion, unanimously adopted :—

Resolved, That, in the opinion of this society, the further introduction of slavery into any of our states or territories, is revolting to the enlightened philanthropy of the present age—is irreconcilable with the genius of our government and institutions, and hostile to the political, moral, and social interests of our common country.

Resolved, That the Hon. Messrs. TALLMADGE and TAYLOR, for their manly and persevering efforts in Congress, to prevent the further extension of the evils of slavery, have elevated the character of the state of New York, and entitled themselves to the approbation of all good men.

Resolved, That the thanks of this society be presented to those gentlemen, as a memorial of the sense which we entertain of the value of their services, in the cause of justice, of humanity, and of freedom.

Resolved, That the above preamble and resolutions be signed by the president of this society, and that copies of the same be transmitted to Messrs. TALLMADGE and TAYLOR, by a select committee, to be appointed for that purpose.

CADWALLADER D. COLDEN, *President.*

WASHINGTON, MARCH 1, 1819.

GENTLEMEN,—Your favor of the 24th of last month, transmitting resolutions of the New York Society for promoting the manumission of slaves, was duly received. We cannot be insensible to the favorable opinion expressed by your Institution of our efforts to advance the cause of freedom in America. That the very humane and benevolent objects of your association, may ultimately receive their full accomplishment, is our constant desire and ardent prayer Our best exertions on all occasions, will be faithfully directed to the promotion of the same grand design. Whatever may be the issue of the particular subject, which gave rise to the resolutions, we shall ever cherish a grateful recollection of the approbation of our services, by the members of your society. In requesting of you the favor to communicate to them our unfeigned thanks, for their distinguished notice, we tender to you our united acknowledgments for the friendly sentiments contained in your letter.

We have the honor to be, very respectfully,
Your ob't serv'ts,

JAMES TALLMADGE,
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POWERS OF THE GOVERNMENT OF THE UNITED STATES—FEDERAL, STATE, AND TERRITORIAL.

SPEECH

OF

HON. JAMES A. STEWART,

OF MARYLAND,

ON

AFRICAN SLAVERY,

ITS STATUS—NATURAL, MORAL, SOCIAL, LEGAL, AND, CONSTITUTIONAL;

AND

THE ORIGIN, PROGRESS, PRESENT CONDITION, AND FUTURE DESTINY OF THE UNITED STATES, CONSIDERED IN CONNECTION WITH AFRICAN SLAVERY AS A PART OF ITS SOCIAL SYSTEM; WITH THE BEARINGS OF THAT INSTITUTION UPON THE INTERESTS OF ALL SECTIONS OF THE UNION, AND UPON THE AFRICAN RACE.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JULY 23, 1856.

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1856.

THE SLAVERY QUESTION.

The House being in the Committee of the Whole on the state of the Union—

Mr. STEWART said:

Mr. CHAIRMAN: So far as I have the opportunity, under the circumstances, I propose dispassionately to discuss some of the principles which lay at the foundation of our Government, more especially as they apply to the *status* of negro slavery as it existed at the time of the adoption of the Constitution, anterior and subsequent thereto; the establishment of territorial governments, and the formation of new States, as an additional and provisional element; with some general miscellaneous remarks, applicable to the disturbed state of our affairs, and going to show that negro slavery, as it has been employed here, has been beneficial to the country, and promotive of the happiness of the negro race. In the course of my argument, I shall undertake to demonstrate that the Federal Government, the State and Territorial governments, all being component parts and parcel, of one entirety, so far as social and municipal regulations are concerned, are *pro-slavery* by necessary consequence; that no rightful and constitutional power exists, under the system, to check or limit the natural internal increase of slavery, except through the State governments, either of their own volition, or by an amendment of the Federal Constitution, as therein provided for. The General Government is merely possessed of delegated authority, limited to the specific objects confided to its care. The residuum of power is retained by the States or the people thereof. The General Government certainly cannot impart an authority it does not itself possess. "*Potestas delegata non potest delegari.*"

This Government may consent, in the exercise of its express authority, that the territory intrusted to its management for a specific object, may be occupied. Municipal government may thus be organized by the people in the said territory, not in conflict with the Constitution, or the rights of the States, because the jurisdictional authority of the Federal Government cannot, *per altum* or *per se*, exceed constitutional limitation. When the General Government does consent, the original power in the people of the Territories develops itself, as a matter of necessary consequence, from the principle of inherent authority in the people, qualified by its own acquiescence, *in totidem verbis*, or from the very nature of the case, through constitutional limitations. This native power may be exercised, in a limited degree, by the consent of the parties interested; that is, the General Government, as the *fiduciary* of the people of the States on the one side, and the people of the Territory on the other, to be indicated by the compact or organic law establishing the territorial government. The said General Government has no rightful power to prescribe for them what sort of municipal regulations they shall adopt; but is bound to protect the citizens thereof in the possession and enjoyment of their property of every description, slaves and other chattels included; and cannot prohibit its introduction, or discriminate between different kinds of property. Negro slavery, with their other civil rights, is necessarily carried with them into the Territories by force of the compact of government between the States, because that government over the States, and the people thereof, is, in its protection of the rights of property and citizenship, a complete unit, and cannot make distinctions as to different species of property. If the people of the Territories should assume upon themselves to prohibit the introduction of the slavery institution before they had formed a State government, such a proceeding would be a violation of the constitutional rights of slaveholders. In such a case, any citizen that chose to contest it, could invoke the authority of the General Government to vindicate his rights; or he may, from deference to the matured sentiment of the people of the Territories, under a regularly organized territorial government, waive his rights, and from comity acquiesce in their determination.

Whilst the said people are in their territorial condition, or in the process of forming a State constitution, the Congress of the United States has no right to prescribe for them what sort of

domestic institutions they shall have, and cannot, therefore, rightfully intervene in directing their action upon such subjects. Such an interference would be a gross usurpation, and without a shadow of lawful authority.

The principles of the Kansas-Nebraska law rest upon and involve these considerations; and from its spirit and temper, in deferring the settlement of all these matters to the people of the Territories when they come to consider what sort of permanent government they will establish for themselves, commends itself to the support of the friends of popular free government, and should be *firmly* sustained. Our whole system of government, Federal, State, Territorial, and Municipal, is practical, utilitarian, and judicious—not utopian, transcendental, and abstract—essentially founded upon the habits, customs, local interests, and peculiar circumstances of the people as they existed at the time of its formation;—and, so far as its founders reasonably contemplated it would be operative upon their future progress and development;—the form of government was adopted to suit the interests of the people—not upon the principle that the people were to be put upon a Procrustean bed, then and thereafter, and stretched to suit an abstract and arbitrary theory. When once it was demanded to know of Solon, the great Athenian lawgiver, what sort of a constitution he had prepared for the Athenians, that wise, philosophical, and practical statesman said, "that he had furnished them with as good a constitution and form of government as the people would bear, looking to the habits, manners, and genius, that characterized them." Whilst some have said that that form of government is best which is best administered, the philosophy of ours esteems that best which is most adapted to protect and secure the happiness and actual interests of the people. The founders of our Government, in order to adjust the system they were devising to meet the local views of the people, reserved to the people of the States, through their State organizations, ample, and all the residuary mass of, power for this purpose;—delegating, at the same time, to the General Government, such other authority as was necessary to be exercised by the government of the whole, and to which the States, separately, were not as competent, and from the responsibility of which it was a wise policy they should be relieved. No serious difference of opinion upon such general matters as were to be confided to the Federal Government, could be seriously apprehended. Should any peculiar theories or notions exist in regard to mere local and municipal institutions, the States, immediately and directly interested, should settle it to suit their own views—thus disembarrassing the General Government by relieving it from the necessity of officious intermeddling in mere domestic quarrels and arrangements. This is a most beautiful and prominent feature, and necessarily one of the reserved rights, because it is essential for local purposes, and does not conflict at all with the more general considerations. The State, too, that has original and sovereign power, may again subdivide her authority, parcel it out to municipal corporations, counties, cities, towns, &c., for still more local purposes and objects. The principle of the Kansas-Nebraska act, in its formation and tendency, runs a parallel with this theory, as far as it can, as a system, be made applicable to a territorial government. Under our system, the *morale* of the slavery question is not an open one, because it is *res adjudicata*, and authoritatively settled by the founders of the Government in the establishment of the present Constitution. This judgment, thus solemnly pronounced, is obligatory upon every member of the compact; and all attempts to weaken or destroy its binding force, by abstract and crude discussions, are at war with the letter and spirit of the Constitution, and can only lead to disorder, to disunion, and to an overthrow of the Government.

These views I shall endeavor to argue and insist upon: if successfully maintained, the northern side of these questions will be proved to be rank heresy, and in utter conflict with the orderly arrangement of our Government, essentially and morally revolutionary, and treasonable in purpose and intent, if designed to change the action of the Government in its constitutional force and effect; the South will be vindicated as the true upholder of the pillars of the Constitution; and all good citizens, everywhere, who revere the Government as it is, under which they live and have prospered, should manfully come to the rescue.

What, then, is the character of the Government, so far as slavery is concerned, and what is its declarative authority and express recognition? Will it be seriously denied that it is protective and preservative of slavery, existing at the time of the adoption of the Constitution, and authorizing its further introduction, *ad libitum*, forever thereafter? Not a syllable against slavery in the States, or within the jurisdictional limits of the Union. No provision for its gradual extinction, but providing for its complete protection and increase. The ninth section of the first article contains an express prohibition upon Congress to enact any law, prior to the year 1808, to prevent the importation of slaves. Let me invite attention to its peculiar phraseology:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808."

After the year 1808 there is, by the aforegoing clause, no prohibition of slavery, and no obligation upon Congress to pass a prohibitory law. Congress can, at any time, repeal the prohibitory laws now upon the statute-book against the slave trade, and the States could then introduce additional slaves. The slave States, it is always maintained by our opponents, have controlled this Government, and they are universally charged with aggression, and a fixed design to extend slavery. Their refusal to admit more slaves from abroad may be relied upon as a full answer to such allegations.

In order that this right to introduce slaves should be placed beyond all contingencies, it is remarkable that in the fifth article, providing for amendments of the Constitution, the amendatory power is expressly denied so as to affect the first and fourth clauses of the ninth section of the first article. Could stronger language be employed, and was any right ever more expressly recognized and protected? The said fifth article declares that—

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this

Constitution; or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, &c.; *Provided, That no amendment which may be made prior to the year* 1808, *shall, in any manner, affect the first and fourth clauses in the ninth section of the first article.*"

Thus it will be observed that an amendment of the Constitution would have to be resorted to now to prohibit the States from introducing slaves from abroad, if Congress would not legislate against it.

Here, then, is the strongest and most unqualified evidence of the recognition of slavery. The third clause of section two, article four, provides that—

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

This clause, to the extent to which it goes, protects slavery *in any State* against the *positive laws* or *regulations thereof*. If no State had such laws or regulations, and passed none, then the aforesaid clause of the Constitution was inoperative, practically, and slavery, as a legal species of property, could be carried there just as anything else in the shape of property. This right of the master results from his ownership and the right to the custody and services of the slave by the common law. It is the same right by which bail may arrest their principal in another State. The Constitution and laws of the United States *do not confer*, but secure, this right to reclaim fugitive slaves *against State legislation*. In Peters's Digest of the Reports of the Supreme Court of the United States, page 536, &c., it will be found that the said court has placed this matter beyond all cavil:

"A citizen of another State from which a slave absconds into the State of Pennsylvania, may pursue and take him without warrant, and use as much force as is necessary to carry him back to his residence. He may be arrested on Sunday—in the night—in the house of another, if no breach of the peace is committed. This right of the master results from his ownership, and the right to the custody and service of the slave by *the common law*.

"The Constitution and laws of the United States do not confer, but secure, this right to reclaim fugitive slaves against the laws of the State. It is no offense against the laws of the State for a master to take his absconding slave to the State from which he absconded. No person has a right to oppose the master in reclaiming his slave, or to demand proof of property. The master may use force in repelling such opposition."

The right of property in the owner of the slave in another State is placed high above all State regulations, and so unanswerably announced by our highest court in the land.

The Constitution also, in the third clause of the second section of the first article, in making provision for representation and taxation, expressly recognizes the existence of slaves as the most valuable of property in the adjustment of its representative and taxable basis.

The Supreme Court has on sundry occasions, clearly and firmly maintained and enforced this right. I will refer to a most grave and important case, which was brought before it, and which was imposing and serious in its bearings, more especially as it involved exciting questions of State sovereignty—Pennsylvania and Maryland, loyal and neighboring States, being immediately concerned.

This was the case of Prigg, a citizen of Maryland, against the Commonwealth of Pennsylvania. Justice Story, a most distinguished jurist, and of whom Massachusetts may well be proud, as one of her illustrious sons; with all the moral grandeur and firmness in keeping with such a cause, delivered the decision of this high court.

In the syllabus of the case the law is thus stated:

"It will probably be found, when we look to the character of the Constitution of the United States itself—the objects which it seeks to attain—the power which it employs—the duties which it enjoins, and the rights which it secures—as well as to the known historical facts that many of its provisions were matters of compromise, of opposing interests and opinions—that no uniform rule of interpretation can be applied, which may not allow, even if it does not positively demand, many modifications in its application to particular clauses. Perhaps the safest rule of interpretation, after all, will be found to be to look to the nature and object of the particular powers, duties, rights, with all the light and aid of cotemporary history; and to give to the words of each just such operation and force, consistent with their legitimate meaning, as may fairly secure and attain the ends proposed. It is historically well known that the object of the clause in the Constitution, relating to persons owing service and labor in one State, escaping into another, was to secure to the citizens of the slaveholding States the *complete right and title* of ownership in their slaves, as *property, in every State* of the Union, into which they might escape from the State where they were held in servitude.

"The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding States; and, indeed, was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted that it constituted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevailing in the non slaveholding States, by preventing them from *intermeddling* with, or *obstructing*, or *abolishing*, the *rights* of the owners of slaves. The clause in the Constitution relating to fugitives from labor manifestly contemplates the existence of a positive, unqualified right, on the part of the owner of the slave, which no State law or regulation can in any way qualify, regulate, control, or restrain. Any State law or regulation which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his service or labor, operates, *pro tanto*, a discharge of the slave therefrom. The owner of a fugitive slave has the same right to seize and take him, in a State to which he has escaped, that he has in the State from which he fled. The court have not the slightest hesitation in holding that under and in virtue of the Constitution, the owner of the slave is clothed with the authority, in every State of the Union, to seize and recapture his slave.

"The right to seize and retake fugitive slaves, and the duty to deliver them up, in whatever State of the Union they may be found, is, under the Constitution, recognized as an absolute, positive right and duty, pervading the whole Union with an equal and supreme force, uncontrolled, and uncontrollable, by State sovereignty and State legislation. The right and duty are coextensive and uniform, in remedy and operation, throughout the whole Union. The owner has the same security, and the same remedial justice, and the same exemption, from State regulations and control, through however many States he may pass with the fugitive slave in his possession, in *transitu* to his domicile."—16 *Peter's Reports*, p. 540; adjudged in 1842.

This clear and unqualified annunciation of the law, from the highest tribunal in the country, pronounced by the ablest judge that has ever ornamented the judicial history of the State of Massachusetts, is irresistibly conclusive. From its scope and tenor it may well be maintained, that, under the Constitution of the United States, negroes, free or slave, are no parties to the covenant; that "We, the people," in the preamble to the Constitution, does not include them; that the spurious, vicious, and revolting doctrine of the equality of the negro and the white man, in this country, at least, is a monstrous heresy; that

within our jurisdictional limits as a nation, negroes are to be presumed and considered slaves and property, and that under the operation of this clause in relation to fugitive slaves and their speedy recapture, under the lucid exposition of our highest court for its interpretation, the same presumption must be uniform and maintainable in a non-slaveholding as well as a slaveholding State, more especially if they have no local law declaring the *status* of the negro race. The Constitution of the United States has, beyond all question, recognized and effectively ordained and established slavery as to the negro race. Let us further ascertain what had been its previous history, and which the founders of our Government had necessarily before them, and whether they had created such a state of things; or if it had existed by the great law of nations, which is said to be but the application of the law of nature to the affairs of nations.

In 10 Wheaton's Reports of the Decisions of the Supreme Court of the United States, page 66, and decided as late as the year 1825, in the case of the Antelope, Chief Justice Marshall, than whom an abler, purer, or more enlightened judge never sat on any bench, pronounced the judgment of that court. He says:

"The question, whether the slave trade is prohibited by the law of nations, has been seriously propounded, and both the affirmative and negative of the proposition have been maintained with equal earnestness. But from the earliest times war has existed, and war confers rights in which all have acquiesced. Amongst the most enlightened nations of antiquity one of these was, that the victor might enslave the vanquished.

"That which was the usage of all could not be pronounced repugnant to the law of nations, which is certainly to be tried by the test of general usage. That which has received the assent of all must be the law of all. Throughout the whole extent of Africa, so far as we know its history, it is still the law of nations, that prisoners are slaves. A jurist could not say that a practice thus supported was illegal. In this commerce, thus sanctioned by universal assent, every nation has an equal right to engage. No principle of general law is more universally acknowledged, than the perfect equality of nations—Russia and Geneva have equal rights.

"It results from this equality, that no one can rightfully impose a rule on another. Each legislates for itself. A right, then, which is vested in all, by the consent of all, can be divested only by consent; and this trade, in which all have participated, must remain lawful to those who cannot be induced to relinquish it. As no nation can prescribe a rule for others, none can make a law of nations, (not even Massachusetts,) and this traffic remains lawful to those whose Governments have not forbidden it."

Need anything be more conclusive to us than this decision of our highest court? Our Government has not, in its organism, constitutionally placed any prohibition on the "slave trade," so called—simply left to the discretion of Congress if deemed by them inexpedient, thus making it, manifest, that our forefathers had none of those morbid sentiments upon this subject which now animate a portion of their descendants; or, if they held any such feelings, they did not suffer them to exist as stumbling-blocks to the formation of a Union of all the States.

All history bears testimony that the Portuguese commenced the African slave trade in the year 1443. They were followed by the Spaniards and by the Dutch. In the years 1585–'88, charters were granted by Queen Elizabeth, encouraging the slave trade. The African company was established in England in 1672; and in the year 1689 they entered into an agreement to supply the Spaniards with slaves. In the year 1620, slaves were first introduced into Virginia. Slavery originated, *ex jure gentium*, by reason of captivity.

Incidentally I will here put a case. Suppose a sensible philanthropist was called on to decide upon the morality of the following case: He is on the coast of Africa with competent means. He also witnessed one thousand captives taken in war in that barbarous and benighted country, and without any agency of his were about to meet the dread penalty, according to the laws of war, as there understood. He found that he could purchase their ransom for a small price, and save their lives, by having them transported to a cotton plantation in the south of this Union, where he knew they would be amply provided for, and their general condition improved. What would true Christianity, philanthropy, and the ordinary feelings of humanity, prompt him to do? Retain his money, and let them be slaughtered, or advance the price, and save the miserable wretches from certain destruction? Could he thus save them, and refused to do so, would he be justified *in foro conscientiæ*? Suppose he took also into consideration any incidental profits, arising from the arrangement, regarding at the same time the certain improvement in the comfort of the negroes, what school of ethics could pronounce him a barbarous Christian? Suppose after he got them settled, and in process of time their numbers became great, and their happiness and comfort increased *pari passu*, and their liberation would destroy the same, and their absolute emancipation would result in incalculable mischief and calamity to both races, white and black, ought he to adopt such a policy?

These are grave questions for the consideration of the benevolent and prudential. "All things are not expedient;" and I submit, if our northern professed philanthropists, who have means, if they really design to benefit the negro race, should not turn their attention to the condition of the Africans in their native land, where thousands upon thousands are in barbarism and idolatry, more particularly as the slave trade, from its abuses and malpractices, has been abolished? There is an extensive field, without a competitor, for the display of all their kind regards and acts of benevolence in behalf of the negro. The Ethiopian, who cannot change his skin, is utterly uncared for in that great field for benevolent enterprise. Possibly the ways of Providence, that are past finding out, may some day disclose that, by their introduction here, it may be one of those incidents (although greatly in advance of the consummation) by which their ultimate amelioration may be accomplished. It is but a matter of historic justice to give the Spanish Government the benefit of their justification for engaging in the African slave trade. I refer to the preamble to the decree of that Government at Madrid, in December, 1817:

"The introduction of negro slavery into America was one of the first measures which my predecessors dictated for the support and prosperity of those vast regions, [their newly discovered possessions in the West,] soon after their discovery. The impossibility of inducing the Indians to engage in different useful, though painful labors, arising from their complete ignorance of the conveniences of life, and the very small progress they had made in the arts of social existence, required that the working of the mines, and the

cultivation of the soil, should be committed to hands more robust and active than theirs. This measure, which did not create slavery, but only took advantage of that which existed through the barbarity of the Africans, by saving from death their prisoners, and alleviating their sad condition, far from being prejudicial to the negroes transported to America, conferred upon them, not only the incomparable blessing of being instructed in the knowledge of the true God, but likewise all the advantages which accompany civilization, without subjecting them, in their state of servitude, to a harder condition than that which they endured in freedom."

These are the *rationalia* of Spanish morality. But the Spaniards are not singular in refusing the claimed rights of humanity to Pagans. Their example has been improved upon, and, by its application to the Indian races, has been commended by our Puritan ancestry as worthy of everlasting imitation.

The Puritans of New England, under the influence of religious fanaticism, looked upon the Indians of that region as children of the devil, (or pretended so to think,) and therefore only fit for carnage or servitude; whilst they regarded themselves as the favored sons of Heaven, destined to inherit a promised land, as the Israelites did Canaan. Their whole reasoning is admirably expressed in three resolutions, said to have been adopted by a community in Massachusetts, previous to seizing on a fertile Indian territory:

1st. *Resolved*, That the earth is the Lord's, and the fullness thereof.

2d. *Resolved*, That the Lord hath given the inheritance thereof to his saints.

3d. *Resolved*, That *we are the saints*.

The South have never been accused of religious fanaticism, and they do not, therefore, place their defense of the institution of slavery upon any such high and saintly ground as that occupied by the Puritans of the East; they simply treat it as a matter of fact in the world's great routine, and award to it all the rights of enlightened and practical humanity. I submit to the candid inquirer after truth, which is the preferable Christianity—that urged by the Spaniard in his decree, or that affirmed, in genuine pharisaical style, in the Massachusetts resolutions of the Puritans? Well may a cool moralist remark, that there is no such thing as absolute perfection; it is all comparative; and that, if the great God himself is governed by his own laws, and may not transcend his own prescribed limits, feeble man certainly ought to possess but that qualified freedom best suited to his nature and adaptability; and that a good Providence wisely overrules the world. I have no doubt the same fanatics that passed the above resolutions in Massachusetts, if they found in practice that they could not be carried out, and they were not able to secure the rich inheritance, would, upon subsequent consideration, have adopted the sentiment referred to in an old, quaint doggerel, and have further resolved,

> "That this is a fine world to live in,
> To give, to lend, or to spend in,
> But to beg, or to borrow, or to get one's own,
> 'Tis the d—dest world that ever was known."

Besides our own Constitution, the decisions of our highest courts, and the law, and practice of nations, the British courts, from which we have derived much of our legal learning, have also sanctioned slavery as a legal institution. Their decisions are but similar exponents of the doctrine *in pari materia*. It is a matter of notorious history, that both in ancient and modern times, the condition of slavery and the commerce in slaves were sanctioned by the universal practice and law of nations. The first case relating to the African slave trade, is that of Butts and Penn, determined in the 29th Charles II., being an action of trover for negroes. The special verdict in this case found that they were regularly bought and sold in India. (2d Keebl., 785.) In a subsequent case, trover was brought for a negro in England. Holt, C. J., said, that trespass was the kind of action, but that trover would lie if the sale was in Virginia. (2d Salk., 244.) In 1689, all the judges of England, with the eminent men who then filled the offices of attorney and solicitor general, concurred in the opinion, that negroes were merchandise within the general terms of the navigation act. (2d Chamber's. Opinion of Eminent Lawyers, 263.) The celebrated case of Somerset, decided by Lord Mansfield, before our Revolution, whilst it determined that negroes could not be held as slaves in England by reason of what he considered the local law of that realm, recognized the absolute and rightful existence of slavery in the colonies and elsewhere when not prohibited by local law; and as to its non-existence in England, by reason of this local law, this decision of Lord Mansfield is a departure from the current of the English authorities, and has not been followed, but substantially overruled, as assuming to establish a new doctrine. The whole legal policy of Great Britain and also France is fully confirmatory of the legal existence of property in slaves.

Chief Justice Marshall, in the decision before referred to, comments upon the English cases—remarkable for the full illustration of this doctrine—the Amedie, the Fortuna, and the Diana. The last case, the Diana, was a Swedish vessel, captured, with a cargo of slaves, by a British cruiser, and condemned in the court of vice admiralty at Sierra Leone. This sentence was reversed on appeal; and Sir William Scott, in pronouncing the sentence of reversal, said:

> "The condemnation also took place on a *principle* which this court cannot, in any manner, recognize, inasmuch as the sentence affirms that the 'slave trade, from motives of humanity, hath been abolished by most civilized nations, *and is not, at the present time, legally authorized by any.*'"

"*This appears to me to be an assertion by no means sustainable.*" The ship and cargo were restored on the principle that the trade was allowed by the laws of Sweden.

Chief Justice Marshall further remarks:

> "The principle common to these cases is, that the legality of the capture of a vessel engaged in the slave trade depends upon the law of the country to which the vessel belongs. If that law gives its sanction to the trade, restitution will be decreed; if that law prohibits it, the vessel and cargo will be condemned as prize."

He further remarks, that this whole subject came on afterwards to be considered in the case of the Louis. (2d Dow's Reports, 238.)

The opinion of Sir William Scott in that case demonstrates the attention he had bestowed upon it, and settles the law in the British courts.

The Louis was a French vessel, captured on a slaving voyage, before she had purchased any slaves, brought into Sierra Leone, and condemned by the vice admiralty court at that place. On appeal to the court of admiralty in England,

the sentence was reversed. Sir William Scott said, "that this trade could not be pronounced contrary to the law of nations. A court, in the administration of law, cannot attribute criminality to an act when the law imputes none. It must look to the *legal standard of morality;* and, upon a question of this nature, that standard must be found in the law of nations, as fixed and evidenced by general, ancient, and admitted practice; by treaties, and by the general tenor of the laws and ordinances, and the formal transactions of civilized States. It is pressed as a difficulty, says the learned judge, what is to be done, if a French ship, laden with slaves, is brought in? I answer, without hesitation, restore the possession which has been unlawfully divested; rescind the illegal act done by your own subject." There is no fanaticism in this, but firm and unswerving adherence to the law, administered by a pure and upright and incorruptible judge.

In the case of Madrazo *vs.* Willes, (5 Serg. & Low., 313,) all the judges agreed, and so pronounced, that a foreigner who is not prohibited from carrying on the slave trade by the laws of his own country, may, in a British court of justice, recover damages sustained by him in respect of the wrongful seizure, by a British subject, of a cargo of slaves on board of a ship then employed by him in carrying on the African slave trade. In this case, the declaration stated that the plaintiff was a subject of Spain, and that, on the 12th of July, 1817, at Havana, he was lawfully possessed of a certain brig, and that the brig was lawfully cleared out for a certain voyage in the slave trade, to wit: from Havana to the coast of Africa, and back; and that, on the 16th of January, 1818, on the high seas, to wit: off the Cape of St. Paul's, on the coast of Africa, the defendant seized the brig, with her stores and three hundred slaves, &c., and kept and detained them for a long time, and converted the same to his own use; by means whereof the said brig was prevented from the further prosecution of the said voyage, and the plaintiff deprived of great gains which would have accrued from the slaves, &c. The defendant plead not guilty. At the trial at the London sittings, it appeared that the defendant was a captain in the Royal Navy, and had taken possession of the ship, which was engaged in the slave trade. It occurred to the Lord Chief Justice, at the trial, that the plaintiff was not entitled to recover the value of the slaves in an English court of justice, and accordingly he desired the jury to find their verdict separately for each part of the damage, giving to the defendant liberty to move to reduce the verdict in case the court should agree with him on the point.

The jury found a verdict for the plaintiff; damages £21,800—being for the deterioration of the ship's stores and goods, £3,000, and for the supposed profit of the cargo of slaves, £18,180. Jervis, for the defendant, moved for a rule *nisi* to reduce the damages to £3,000. By the 47th George III., chapter 46, the slave trade, and all dealings connected with it, were declared unlawful. It follows, therefore, as a consequence, that no one can be allowed to recover damages in respect of a cargo of slaves, &c. Abbott, C. J., said:

"On further consideration, it appears to me that there is no sufficient ground for reducing this verdict," &c.

Bayly, J., said:

"I do not think that there is sufficient doubt to induce us to grant a rule, &c. A British court of justice is always open to the subjects of all countries in amity with us, and they are entitled to compensation for any wrongful act done by a British subject to them," &c.

Holyrood, J., said:

"However much I may regret that any damages can be recoverable for such a subject as this, yet I think we are bound to say that this plaintiff is entitled to them."

Best, J., said:

"It is clear, from the authorities, that the slave trade is not condemned by the general law of nations."

Here, then, is the settled doctrine of the British courts, recognizing slavery on the ocean, with no special municipal law to protect it. What, then, becomes of that modern invention, which declares that slavery cannot have any extra territorial existence, beyond the real authority that creates it? If African slavery is then tolerated on the high seas, with how much more force under our Constitution, where it is a firmly-established and regulated institution?

In 11th Peters's Reports, 73, the Supreme Court of the United States have settled the law on the subject of slavery in another class of cases. Certain persons, being slaves in Louisiana, were by their owners taken to France as servants, and were afterwards sent back to New Orleans. The ships bringing them, were, after their arrival, libeled for alleged breaches of the act of Congress of 1818, prohibiting the importation of slaves into the United States. The court held that the act of Congress does not apply to such a case. The object of that law was to put an end to the slave trade. The language of the statute cannot properly be applied to persons of color who were domiciled in the United States, and who were brought back after temporary absence.

In the case of Mahoney *vs.* Ashton, 4 H. & McHenry's Maryland Reports, where a negro woman was carried by her owners as a slave from the Island of Barbadoes to England, and afterwards brought to Maryland, it was held, after full and elaborate argument, that however the laws of Great Britain operate upon persons there claimed as slaves, might interfere to prevent acts of ownership, yet upon bringing the slave into Maryland the relation of master and slave continued; that the condition of slaves does not depend exclusively either on the civil or the feudal law. Our act of Congress, regulating and protecting the conveying negro slaves coastwise, necessarily repudiates the idea of slavery being solely existent and valid in the place of its domicile. As property, like every other variety, it is subject to the general legislation of Congress, to guard, protect, and facilitate its safe and easy, removal from one place to another; and the Government of the United States is bound to protect it, unless it be taken to a foreign country for permanency, where its continuance is prohibited by the local law. The celebrated Vattel, a standard author upon the subject of general law, affirms this to be the fixed and established law of property, that it cannot be taken from the owner because he is in a foreign country with it. He lays down this law:

"That the property of an individual does not cease to belong to him on account of his being in a foreign country. It still continues a part of the aggregate wealth of his nation. Any power, therefore, which the lord of the ter-

ritory might claim over the property of a foreigner, would be equally derogatory to the dignity of the individual owner and to those of the nation of which he is a member."

Slave property being thus protected, under all the laws bearing upon the subject, I submit again, under what earthly pretext of authority can it be asserted that a slaveholder, in going to a Territory of the United States with his slaves, is without protection? On the contrary, he has the whole power and force of the entire Government in this country to secure him in that right; and until a State government is formed, with power in its police regulations to exclude any species of property, it must ever be under the ægis of the general superintending authority.

Before the compact of union was formed between the States, they were essentially independent; and were bound by the law of nations in their intercourse with each other. In their confederated capacity, their treatment to each other is made still more respectful in its rights and obligations. The General Government, under the compact between them, is not authorized to exercise any attribute to favor the views of any one to the prejudice of another. No State can properly pass any law to prohibit the citizens of another State from traveling through its dominions with any property they may possess. All such enactments would be clear breaches of international comity, and would justly subject herself, by such unnatural conduct, to the charge of bad neighborhood. The law itself would be a nullity, because in conflict with the authority delegated to the General Government. Besides, the well regulated basis of international intercourse in this enlightened age of the world, would not sustain such a relic of barbarism. In Baldwin's Reports 578, there is an opinion pronounced by the justly celebrated Judge Baldwin, of Pennsylvania, which most luminously and conclusively illustrates this doctrine. The judge discusses the questions in all their bearing, fully imbued with that patriotic inspiration flowing from the genius of our complex constitutional system of government. It is none the worse, I hope, because it comes from a distinguished jurist of the Keystone State. He justly remarks, amongst other things:

"When the law ceases to be the test of right and remedy —when individuals undertake to be its administrators by rules of their own adoption, the bands of society are as effectually broken, by the severance of one link, as if the whole were dissolved."

A negro in a Territory of the United States, there being no competent local law prescribing his *status*, must necessarily be presumed to be a slave. This is his condition *prima facie*. This conclusion is virtually admitted by the advocates of negro equality themselves; else, why do they insist upon legislative restriction and prohibition by Congress?

The Kansas-Nebraska law leaves this legal question in the hands of the courts, and submits its political settlement to the voice of the people in the Territories, when they are organized. The question is, not whether the General Government has the right to institute slavery in the Territories by an act of Congress; because, as I have shown, it is necessarily carried there by virtue of right under the constitutional compact, and Congress has no power given to it to restrict it. Judge McLean, of the Supreme Court, not from the bench where he is authorized to pronounce the law, but *extra-judicially*, in the newspapers, has pronounced a *dictum* asserting *that Congress* can prohibit slavery in the Territories, but not institute it.

In reference to this last position, the Judge does not state what his views are, as to the necessary existence of slavery in the Territories, as property, if carried there from the States, without congressional action. Does he mean to urge that slavery, being recognized in the Constitution as property, and so interwoven with our whole social system, is not carried into the Territories and protected as any other property, *ex necessitate rei*? The learned Judge, I feel bound from public considerations in this connection to remark, having commanded the respect and esteem of the country by the industrious and able manner in which he has uniformly discharged his public duties; by his recent appearance in the newspapers, with his quasi-judicial opinions, has excited much surprise and regret. Clothed with the judicial ermine, in its most elevated form in this country, and where his example, from the supreme bench, reaches to the remotest limits, in exciting times like these, when all earthly tribunals, in order to command respect, must be firm, unswerving, and above raving popular clamor—when, too, the merits of the question were much involved in a case to come before him as one of the judges of the last resort—to have made a parade of his opinion, thus intermingling with the partisan debates of a passing hour,—cannot certainly commend himself to the approval of an intelligent public.

Having already shown that slavery has existed, and still exists, by the laws of nations; that it must be recognized as property; that the founders of our Government, in establishing our system, so treated, recognized, and guarded it; that it is necessarily an ineradicable adjunct of our social system composed of State and Federal Government, in their varied machinery; the members of the convention, being discreet and practical men, taking the elements of society as they found them, arranged the system upon no utopian and transcendental theories, but wisely harmonized the parts as best they could, imbued with that sound and homely philosophy, if you please, which prompted the immortal poet Pope, in his celebrated essay, to exclaim—

"Whether, with reason or with instinct blest,
All enjoy that power that suits them best.
Order is Heaven's first law; and this confessed,
Some are and must be greater than the rest.
* * * * * * *
All nature's difference keeps all nature's peace,
Condition, circumstance, is not the thing,
Bliss is the same, in subject or in king."

No witchcraft in this proceeding—no Arabian Nights tale—no transcendentalism, but downright common sense. If there are any nowadays that repudiate this utilitarian spirit, and go after strange gods of their own creation, they become moral traitors to their country, and are worse than avowed enemies, and will receive the everlasting execrations of patriot spirits. Are they wiser than their fathers, and will they proclaim still a higher law?

Is there anything in the moral code with which slavery is in conflict? because I will agree, if this can be shown, we must take the most reasonable steps to avoid the evil. From all the legiti-

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mate evidence to which we can have resort, slavery appears to be sanctioned by the highest revelations of the Divine or moral law—also indicated, from all that we can discover in the works of creation and the world around us; from the fitness of things; from its universal existence among all nations of which we have any account; under all governments; in that first ordained by God Almighty himself for his chosen people, and through all dispensations; fully illustrated in the Old and in the New Testament; by the law written on the tables of stone; in the Decalogue; in that holy commandment in regard to the Sabbath day, to wit:

"But the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy *man-servant*, nor thy *maid-servant*, nor thy cattle, nor thy stranger that is within thy gates."

Here the man-servant and the maid-servant are expressly mentioned. In the following and the last commandment, to wit:

"Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his *man servant*, nor his *maid servant*, nor his ox, nor his ass, nor anything that is thy neighbor's"—

the servants are spoken of and included as property with the other chattels, the ox and the ass, &c. (Exodus xx.)

It is said by a learned commentator, that this last commandment is very important, and is, indeed, the guard and security of all the preceding ones; that it stamps the seal of Divinity upon the Mosaical code, of which the Decalogue is the summary; that no such restriction is to be found in the Ordinances of Lycurgus or Solon, the Twelve Tables, or the Institutes of Justinian. This certainly is not the "higher," but the highest law; for it has been revealed to us that the Lord came down upon Mount Sinai, on the *top* of the mountain, and the Lord called Moses up to the *top* of the mountain, and Moses went up; and, amid thunderings and lightnings, and the noise of the trumpet, and the smoking of the mountain, were these great and everlasting commandments proclaimed. Also, throughout the whole scope of the New Testament, we find no denunciation against it, but its lawfulness and necessity and propriety fully and unanswerably recognized. These obligatory Divine injunctions and precepts cannot and will not be disregarded.

In this great country we have a variety of climate, soil, and production, and it requires corresponding means to suit them and fully develop their advantages. Cotton, the great southern staple, rice, sugar, &c., flourish in the torrid zone, for which the negro, by his peculiar physical nature, impressed upon him by God Almighty, is especially adapted. To undertake to employ labor without climatic adaptabilities, when they can be had, is to refuse to make use of the best means to accomplish a given object.

The white man cannot endure this labor—it would destroy him—it is, therefore, impossible. The negro is in his happy element on a sugar or cotton plantation, and in this condition will laugh to scorn the mistaken views of the Abolitionists to benefit him by placing him on a different theater, sending him to college, &c. Cotton, in its abundant growth and product, has been the means of giving rise to incalculable wealth to the civilized world, and to no portion more than to the State of Massachusetts, which, if accounts are true, has become great, powerful, and commanding. This is the result of slave labor. Would it be wise to abolish the culture, and leave that vast and superlatively rich domain of God's creation a wild and howling wilderness? It requires large capital and a great number of operatives, constant and unremitting assiduity, at certain seasons, to insure an annual crop. With a large force of slaves, under proper police regulations, cheerful and happy, the crop is secured for the benefit of all parties concerned.

It may be assumed as a fact, that cotton would not be grown without slave labor. For evidence of this, look to the present condition of things in the West Indies, where slavery has been abolished, and there you see the vengeance of Heaven visited upon such consummate folly—rich and inexhaustible fields of His bounty standing as silent monuments of man's great folly in neglecting to avail himself of all the means within his power. "Experience," it is said in the old proverb, "is a dear school, but it is the only one in which fools will learn." The experiment of trancendentalism has been tried, and woeful matter of fact has demonstrated it to be essentially vicious, chimerical, and foolish.

The African, in his natural and improved condition, has been discarded; and the celestials, the coolies, are about to supplant the sons of Ethiopia!

"From Greenland's icy mountains,
From India's coral strands,"

you may attempt to call spirits, but before the banner of the Cross, with its ameliorating influences upon the whole human family, can wave in emblazoned triumph amid those gems of the ocean, "the Antilles," we must invoke the sable sons of Afric's "golden sands," to develop their great physical power under the controlling auspices of the Christian-Caucasian race. African slavery, through its physical capability, recognized and proclaimed by the great Lawgiver under all His dispensations, has been, with many incidental evils and abuses common to all human systems, the source of high civilization—the spread of the gospel of Christ, with manifold blessings to the African race.

Are all these palpable advantages to be set at nought upon the imaginary system of Utopia, proclaimed by the transcendentalists of the present day? They are at war with God—the Christian religion, which proclaims on earth peace and goodwill to man—the best interests of practical humanity, and the highest hopes of civilized life. African slavery, in some form, will exist in this country and throughout all the tropical regions adapted to the growth of the great staples of the South, until fate, or God, by his irrevocable decrees, shall change the face of animated nature, and the climatic necessities of our greatly diversified world.

Solely considered as a practical question, suppose the South would agree to adopt your wild theories, and emancipate all the negroes, can you explain to us, and to yourselves, what will be the effect upon our social system, not only South, but East, West, and North. There are now some three or four millions. It would require an age to colonize them, if that mode of avoiding them should be recommended. To undertake to

colonize them too rapidly would be attended with consequences harrowing to every feeling of the human heart. You are opposed to this, and go for emancipation. Such a scheme would be utterly destructive to the negro race, and in its results would occasion a fearful paralysis in all departments of trade everywhere, from which, galvanism, nor all the restoratives within reach, could save you.

If this country has grown to be great, and has increased, beyond all human calculation, in power and moral grandeur, it must not be forgotten this astonishing result has been effected with negro slavery existing and operating in all its vigor in our midst. Will you tell me Massachusetts is great? From whence has it mainly sprung? From our social system, quickened and enlivened by the products of slave labor, and not in spite of it. The South has derived less advantage from it than the North. You have commanded our workshops, and you have increased to your present stature upon the troubles, toils, and efforts of the South. They have been the hewers of wood and drawers of water. They have furnished the raw material, with all the inconveniences of negro slavery, if it be obnoxious to your charges, whilst you have had the ultimate profits. Such has been the ordination of Providence, and the South, has submitted. The existence of our Government itself—sustained, I believe, by providential interposition—its unprecedented rise, progress, and increasing power, and manifest destiny, with negro slavery as one of its incidents, conferring the greatest practical good upon that groveling race, may be relied upon as corroborative and confirmatory evidence of the abstract and relative propriety of our theories upon the subject of slavery. If it be of God, it will prosper; but, if not, it will come to naught.

Let us briefly survey our progress as a nation. At the time of our Independence in 1776, our progenitors occupied but a small extent of country skirting along the margin of the Atlantic, and subsisted very much upon the bounties of nature, by hunting and fishing. They had abundance of wild game from the native forest, and from the blue waters all the luxuries common to that element. All told, they did not exceed three millions of souls—not as many white people then in the country as we now have negroes. Now, we have some thirty millions of inhabitants. Cities and towns have sprung up everywhere; the arts and sciences have increased; astonishing facilities for travel and for the diffusion of knowledge have been put in successful operation, and we are on the high road to additional discoveries and improvements. Already vastly opulent and great in moral power, we have a most extensive coterminous domain, extending from the Atlantic to the Pacific, sweeping through the western hemisphere. Our country passes through all the degrees of latitude necessary to enable it to produce all the staples of life. "The shore lines of the Atlantic and Pacific oceans, and of the Gulf of Mexico, are full twelve thousand miles in extent, and an unequaled chain of navigable lakes forms our northern boundary. Our rivers afford us forty-nine thousand miles of navigation, and our northern lakes thirty-five hundred. Five thousand miles of artificial navigation complete this network of internal communication, still further increased by twenty thousand miles of railway finished, to which soon will be added thirteen thousand more now in progress, all tending ultimately to unite the Atlantic and the Pacific oceans by uninterrupted lines of railway. At the Revolution we had no manufactures; now we have $500,000,000 invested, producing annually in value more than one thousand millions. Our commercial marine, registering nearly five millions of tons, is the greatest on the ocean. Our agricultural and mining resources are boundless and incalculable." We are thus blessed with all the elements of physical power and wealth.

Do all these omnipotent and conclusive facts prove our system to be wrong, or establish its absolute and incontrovertible propriety? Will it do for the North to talk of her comparative advance over the South, forgetting that you are but part and parcel of the same system? As well might any member of the body complain of its neighbor. If you can demonstrate that you have grown great without the immediate benefits of this intimate connection, then you may have a case. You should recollect that the Union, with all its untold advantages, has been, in a most eminent degree, tributary to your preëminence; and now you would abuse and destroy your political *alma mater!* Whenever such folly shall, by a just and avenging God, be permittted to triumph, from that fatal day your *transcendentalism* may be in the ascendant, but your *greatness*, in all that constitutes substantial wealth and power, will have departed as a dream, and you will find, very soon, that your condition is not unlike that of Nebuchadnezzar of old. When you speak of your greatness, you do not mean to say that all classes amongst you, without exception, are so, but you have reference to the aggregate, for undoubtedly you have penury and destitution within your borders. So when we speak of the glory of this great nation, it is in its combined identity. Some sections may be impoverished. There are calamities and misfortunes incident to human nature in its best estate—all cannot be wise; all cannot be happy: contentment is the true philosophy of life. The South is satisfied with the Government under which she lives, State and Federal. She stands upon the sensible developments of the immutable fitness of things, and the gates of hell shall not prevail against her. Fogs and mists may envelop the northern atmosphere—the hurricane of fanaticism and folly may blow in its wrath—they will exhaust themselves. A serene and natural sky will still shed its gladsome rays upon the sunny South. Her fair fields shall not be overrun by the Goths and Vandals, until barbarism shall be permitted again to proclaim its desolating sway over the nations. If a disruption should ever take place in this glorious Confederacy, the East might go off in a tangent, and join the northern comet as its fiery tail; but the North and the teeming West, with all that extensive section, washed by the streams that make for the Gulf of Mexico, are the natural allies of the South, and will never surrender their association with this favored region. *The star of Empire is West and South*—not North and East. The land flowing with milk and honey will ever command the strong affections of the votaries of freedom.

The North has had the full benefit of the

Union thus far, and has certainly reached a high point of prosperity. Has it arrived at the acme? Does she now fear a retrograde movement—that the growing power of the West, and the inherent facilities in the South, are about to check her speed? Are considerations of this sort also mixed up with her fanaticism? The West is the natural ally of the South. The enormous trade of the West, which has heretofore had its outlet at the North, is about being diverted somewhat. If the South and West, with all their natural advantages, shall apply their resources to make themselves essentially independent by manufacturing for themselves, and by other agencies, appropriate their own means; such a policy may well occasion apprehension and alarm in the East. That section has been thus far highly favored under our system, although less contented, in fact, than any other. Proud in her position—ungrateful in her neighborhood—overbearing in her aggressions upon other sections that have been mainly tributary to her advancement,—she may be overtaken with those calamities which the God of Providence occasionally visits upon the ungrateful and disobedient. Let her consider well her proper and true position in the Union; weigh with deliberation the accidental advantages that the course of events has bountifully thrown in her path. She is essentially dependent upon the South and West; and, *per contra*, they are comparatively independent of her contributions.

How sublimely philosophical, christian-like, and patriotic, let me mention in this connection, were the sentiments of the high-toned clergy of Massachusetts, in the days of the Revolution. They are a perpetual spring of patriotic gratulation, to which we may turn when annoyed by the senseless claptrap of the moonshine and raving effusions of the pulpit in Massachusetts nowadays. Let me commend these old-fashioned notions of her early patriots to her rising generation, who are not yet corrupted by the fanaticism of the day. Let a wholesome reform be introduced, founded upon the *revolutionary basis* of Massachusetts as she then exhibited herself in the glory of her youthful career, as announced by her clergy and statesmen. From a mass of patriotic and high-toned sentiment, I will refer to a few extracts from their speeches in the convention, worthy of everlasting commemoration, and sufficient to redeem that God-forsaken old Commonwealth, in her present leading-strings, from the most unnatural thraldom in which degenerate sons have placed her fame. In 2 Elliot's Debates, page 118, Rev. Mr. Shute said:

"Mr. President, to object to the latter part of the paragraph under consideration, which excludes a religious test, is, I am sensible, very popular; for the most of men, somehow, are rigidly tenacious of their own sentiments in religion, and disposed to impose them upon others as the *standard* of truth. If, in my sentiments upon the point in view, I should differ from some in this honorable body, I only wish from them the exercise of that candor with which true religion is adapted to inspire the honest and well-disposed mind.

"To establish a religious test as a qualification for offices in the proposed Federal Constitution, it appears to me, sir, would be attended with injurious consequences to some individuals, and with no advantage to the whole.

"By the injurious consequences to individuals, I mean that some who, in every other respect, are qualified to fill some important post in Government, will be excluded by their not being able to stand the religious test; which I take to be a privation of a part of their civil rights.

"Nor is there, to me, any conceivable advantage, sir, that would result to the whole from such a test. Unprincipled and dishonest men will not hesitate to subscribe to *anything* that may open the way to their advancement, and put them into a situation the better to execute their base and iniquitous designs. Honest men alone, therefore, however well qualified to serve the public, would be excluded by it, and their country be deprived of the benefit of their abilities.

"In this great and extensive empire, there is, and will be, a great variety of sentiments in religion among its inhabitants.

"Upon the plan of a religious test, the question, I think, must be, Who shall be excluded from national trusts? Whatever answer bigotry may suggest, the dictates of candor and equity, I conceive, will be, '*None.*'

"Far from limiting my charity and confidence to men of my own denomination in religion, I suppose, and believe, sir, that there are worthy characters among the Quakers, the Baptists, the Church of England, the Papists; and even among those who have no other guide, in the way to virtue and Heaven, than the dictates of natural religion.

"I must, therefore, think, sir, that the proposed plan of government, in this particular, is wisely constructed; that, as all have an equal claim to the blessings of the Government under which they live, and which they support, so none should be excluded from them for being of any particular denomination in religion."

Such sentiments are worthy to be written upon tablets of stone.

Rev. Mr. Payson said:

"Mr. President, after what has been observed, relating to a religious test, by gentlemen of acknowledged abilities, I did not expect that it would again be mentioned, as an objection to the proposed constitution, that such a test was not required as a qualification for office. Such were the abilities and integrity of the gentlemen who constructed the Constitution, as not to admit of the presumption that they would have betrayed so much vanity as to attempt to erect bulwarks and barriers to the throne of God. Relying on the candor of this convention, I shall take the liberty to express my sentiments on the nature of a religious test, and shall endeavor to do it in such propositions as will meet the approbation of every mind.

"The great object of religion being God Supreme, and the seat of religion in man being the heart or conscience, *i. e.*, the reason God has given us, employed on our moral actions, in their most important consequences, as related to the tribunal of God; hence, I infer, that God alone is the God of the conscience, and, consequently, attempts to erect human tribunals for the consciences of men are impious encroachments upon the prerogatives of God. Upon these principles, had there been a religious test as a qualification for office, it would, in my opinion, have been a great blemish upon the instrument."—2 *Elliot*, 120.

Not much bigotry and exclusiveness among the early fathers, it would seem.

General Heath said:

"Mr. President, after a long and painful investigation of the Federal Constitution, by paragraphs, this honorable convention are drawing nigh to the ultimate question—a question as momentous as ever invited the attention of man. We are soon to decide on a system digested *not for the people of the Commonwealth of Massachusetts alone*—not for the present people of the United States only—but, in addition to these, for all those States which may hereafter rise into existence within the jurisdiction of the United States, and for millions of people yet unborn; a system of government not for a nation of slaves, but for a people as free and virtuous as any on earth—not for a conquered nation, subdued to our will, but for a people who have fought, who have bled, and who have conquered; who, under the smiles of Heaven, have established their independence and sovereignty, and have taken equal rank amongst the nations of the earth. In short, sir, it is a system of government *for ourselves, and for our children*—for all that is near and dear to us in life; and on the decision of this question is suspended our political prosperity or infelicity, perhaps our existence as a nation. What can be more solemn? What can be more interesting? *Everything depends upon our union. I know that some have supposed that, although the Union should be broken, particular States may retain their importance; but this cannot be.* The strongest nerved State, even the right arm, if separated from the body, must wither. [Hear, oh! Massachusetts, as from the tomb!] If the great Union be broken, our country, as a nation, perishes; and if our country so perishes, it will be as impossible to save a

particular State, as to preserve one of the fingers of a mortified hand."—2 *Elliot*, 21.

Most noble sentiments, and a most solemn warning. Rev. Mr. Backus said:

"Mr. President, I have said very little in this honorable convention; but I now beg leave to offer a few thoughts upon some points in the Constitution proposed to us, and I shall begin with the exclusion of any religious test. Many appear to be much concerned about it; but nothing is more evident in reason and the Holy Scriptures, than that religion is ever a matter between God and individuals; and therefore no man or men can impose any religious test, without invading the essential prerogatives of our Lord Jesus Christ. Ministers first assumed this power, under the Christian name; and then Constantine approved of the practice, when he adopted the profession of Christianity, as an engine of State policy. And let the history of all nations be searched from that day to this, and it will appear that the imposing of religious tests hath been the greatest engine of tyranny in the world. And I rejoice to see so many gentlemen, who are now giving in their rights of conscience in this great and important matter. Some serious minds discover a concern, lest, if all religious tests should be excluded, the Congress would hereafter establish Popery, or some other tyrannical way of worship. But it is most certain, that no such way of worship can be established without any religious test."—2 *Elliot*, 148.

So it seems that some in those days were afraid of the Pope.

It appears from all the cotemporaneous history, that the foundations of our Government were well considered by its revolutionary authors; and the more we carefully examine its provisions, thebetter satisfied we become that it is a well-arranged and well-defined system, which if carriedout in its purity, is entirely competent for all exigencies. A Federal Government for all great national purposes—State government for municipal purposes—all powers not delegated to the first, reserved to the latter; strict but reasonable construction necessarily provided for, which is the rule of interpretation prescribed in the Constitution itself; the States recognized as coequal in every respect; full and adequate power conferred for an extension of the area of States, by the unlimited authority to admit new States. They may have slavery or discard it, as each State may for itself ordain. Slavery being a municipal regulation, must be set up or put down by the State authority.

The Federal Government having no power to ordain, fix, and prescribe domestic institutions, has no control over the subject. Some of the States having slaves, others none, the General Government cannot take sides with either. To carry out this arrangement in theory and spirit, each and every new State must be left to its own unbiased discretion upon the subject. The Federal Government has no right to prescribe features for new States; or to form States after any particular fashion; or to take incipient steps towards molding the institutions of new States. Each and every one must be left at perfect liberty to adopt its own fashion and taste, according to its own judgment, formed from its own consideration of its peculiar circumstances; and, although its taste may be peculiar in some respects, still the old adage holds good—"*De gustibus non disputandum.*" Any of the powers of the Government may be abused so as, in effect, to destroy the system. The express powers, as well as the implied; the taxing power, the war power, the legislative power, and so of others—may be so perverted as to destroy the system. The Government can be as effectually overthrown by a gross abuse of the express grants of power, as by the exercise of powers doubtful or not delegated at all. It seems now to be very generally agreed that, under the treaty-making power, the Federal Government may acquire additional territory, although the framers of the Constitution did not appear to have contemplated the addition of new States from territory thus acquired. When territory is acquired, how should the General Government manage it? Certainly not for the purpose of carrying out any peculiar system or view pertaining to any section, but to be controlled, under the Constitution, by the common agent, and for equal benefit to all the members of the Confederacy, and without, at the same time, trenching upon the inchoate rights of a new State in expectancy. So soon as acquired, the Constitution, *ex proprio vigore*, operates over it. It is necessarily placed within the jurisdictional limits of the Constitution. The massive mind of Mr. Webster seemed to think, at one time, that an act of Congress was necessary to carry the Constitution into such territory. Such an idea appears to be essentially paradoxical.

The Federal Government, under that clause—third section of article fourth—giving the Congress the power "to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," exercises a controlling influence in the disposition of the said territory, and the making of needful rules and regulations. Such rules and regulations must be limited in their operation to such measures as are beneficial to the whole, and necessary to enable the Government to dispose of the territory—to preserve order and good government whilst that is being done, and all her acts must harmonize with the entire system. For instance, some of the States interested have slaves, others none. The General Government, then, as a common and faithful agent, has no rightful power to favor one to the prejudice or exclusion of the other. This would be aggressive, and would be enabling the Federal Government, the mere agent of all the States, to exercise a conventional authority that could only be imparted by some organic proceeding. Any rules or regulations that she might prescribe, transcending, or outside of, constitutional authority, would be utterly null and void. For the purpose of disposing of the public lands, the General Government may have them surveyed, establish land offices, ordain other agencies, and pass necessary laws to preserve order—police regulations simply. She has no power to establish municipal regulations, prescribe what shall be considered property, regulate the law of descent, last will and testament, and the various domestic relations and responsibilities of life. The Government never has done it, and has no power to ordain such things. Having the control of the right of eminent domain, she may consent to the sale of the lands, and their occupation. When she has done this, the rights of the citizens of all the States, growing out of their municipal regulations, are recognized. If she suffers them to occupy the Territories, they must take with them their municipal rights of property, &c.: the men of the East, with their horses and baggage; the men of the South, with their negroes and camp equipage. Parents and children, husband and wife, master and servant—

indeed, all the domestic rights and relations, are carried there by their possessors.

If the Constitution, from its necessary theory and tendency, carries any one of these social rights—for instance, the relative rights of baron and feme, which are but the result of a civil contract, recognized and ordained by municipal authority, it must support, also, the relation of master and slave. If the Federal Government has the right to dissolve the latter, then it may also declare, that within its territory the marriage contract shall be considered dissolved—prescribe a plurality of wives—enact all the absurdities characterizing fanaticism—may establish *Mormonism*, *Maine-lawism*, *spiritualism*, *witchcraft*, a *religious test*—indeed all the whole code of *blue* laws. If this Government has the power in one case, and it is to be left to its discretion, in what will it draw a line of distinction? I assume that this Government has no such power. The institutions of all the States, establishing property and rights of property, and all the social relations, are taken along with the people that go there, and must be recognized in the first instance. This embraces all the rights of property, vested rights, and which are respected by the laws of all nations; otherwise, as to mere police regulations. When the Territory is thus occupied, under such constitutional regulations as Congress shall think proper to prescribe in reference to the disposition of the public domain, the General Government may, and ought to, assent to the formation of a territorial government, and to the organization of a local legislative authority, competent to the adjustment and protection of all their local interests upon the well-settled principles of our Government—that where there is legislation over a people, there ought to be representation.

I suppose it is upon this basis that, whilst the territorial government is in a *quasi* modified condition of political existence, the people there are allowed a representative in Congress, without full and complete powers. This is the established mode of territorial representation. There are other peculiarities pertaining to our system—for instance, as to the *status* of the Indian tribes. They are not citizens; they are not foreigners; they are in a state of dependence—of pupilage. The Supreme Court of the United States has decided, in the case of Georgia and the Cherokee nation, that that Indian tribe, to a certain extent, was a political State, and entitled to be so treated, under the eighth section, third clause, of the Constitution, authorizing Congress "to regulate commerce with foreign nations, and amongst the several States, and with the Indian tribes." The said tribes are considered as domestic integral nations, I suppose. Where is the power to regulate commerce with the Territories, except upon the theory I am urging, coupled with the authority to make all needful rules and regulations within the compass of all the Federal authority, and looking to their ultimate destiny as States? When the Territories are allowed a local Legislature, they are in the first organic state of government. From being mere *squatters* on the public domain, and *tenants at will*, and by mere sufferance, they are put in the possession and user, rightfully, of police authority, and the making of municipal regulations, having then acquired, *by the consent of the General Government*, some of their original and inherent governmental rights, but not to the extent of complete sovereignty, because the paramount jurisdiction of the General Government cannot be ousted in this stage of their history. This condition, with qualified user of authority, is *territorial popular government*, contradistinguished from that bastard and illegitimate bantling commonly known as "*squatter sovereignty.*" The first an organized and regular social government for the Territories, under the authority of the General Government: the other, and latter, a spurious and mushroom arrangement, which, if permitted to set up any original or inherent claims on the soil of the United States, in disregard of its paramount authority, would be to recognize an *imperium in imperio.*

The first is regular, orderly, and consistent with the rights of eminent domain in the General Government, as trustee for all the States. The other irregular, revolutionary, and subject to outlawry. When this territorial government has within its limits a sufficient population to maintain and support a full and complete State government, it may propose to assume perfect sovereignty, and it is competent for the General Government to accede to the proposition or not, according to its own judgment. If this consent is given, the new State is ushered into life, with all the panoply of State importance, pride, and power, and takes her place amongst the States of the Union. Like Mercury, somewhat, from the head of Jove, she springs into existence unique and perfect. I hold, then, that all the States are coequal, and have coequal rights in any territory belonging to the United States; and whatever is recognized as property in one of the States by their local laws, must be so regarded on the common ground; in the territory, and there is no power to change this necessary result, or prohibit its existence, until the State government is founded. The owner of chattels, horses, oxen, sheep, cattle, &c., may go there—the owner of slaves, with his property—the southern man, with his wife, children, men-servants, maid-servants, and anything that is his. The northern man, the lord of the loom, with his machinery, his spindles, and his fancy articles, too tedious to enumerate.

This is the great law of equal rights which the Constitution fully recognizes. These are the covenanted rights of the citizen of every State. This is non-intervention, and the doctrine of popular territorial sovereignty. This is the spirit of the tenth amendment to the Constitution.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, *or to the people.*"

Where is any power delegated to prohibit the citizens of any of the States going to any of the Territories with every variety of property? This I hold to be the letter and spirit of the Constitution in regard to rights in the Territories. This is the southern claim of constitutional right, and the South will always be ready to acquiesce in the action of the people of the Territories, when organized as I have stated; and when they come to form their permanent State governments, if the citizens thereof believe their interests will be better subserved by the exclusion of slavery institutions, the South, I am sure, will never inter-

pose an objection to the admission of a State on that account. We fully recognize the capacity of the people for self-government, and that their own common sense and judgment will properly regulate all such matters. This is the democratic spirit and temperament, and they will not consent to its disparagment under any circumstances. All sections ought to concede this practical exercise of power, and trust, reliably, to the matured judgment of the people.

Having adopted the principle that the people are capable of self-government, for myself I will abide the experiment, and will never encourage, in the exercise of my personal rights, a formal war upon such a great, vital, and democratic principle. The great controlling laws of Providence and nature will prevent an extensive system of Mormonism. By nature's laws there are about as many males as females; any social system regarding the marital state must accommodate itself to this uncontrollable fact, and cannot go counter to it to an alarming extent. These things have wisely their own providential corrective. The same unalterable law will control the amalgamation of the white and black races. It is said to be a physical fact, connected with the organism of the white and black races, that increase and multiplication cease from intercommunication after the fourth generation. The ancient Athenians had no law against parricide, deeming the feeling of filial affection stronger that artificial regulation. Human effort, human vagary, human taste, and human power, have certain limits ordained by the Almighty lawgiver; and beyond the bounds prescribed by him, mortal man, with all his pride, pomp, exertion, and circumstance, is insignificant and powerless. It has been mentioned as an incident that occurred at the battle of New Orleans, or just before, that a casual interview took place between two of the opposing pickets, the night before the engagement. They were talking over the probable fate of the next day. The English soldier claimed that the British would have an easy victory, boasting that they had on their side Lord such a one, and Earl such a one, &c., who had been invincible. The American soldier responded, that they had still greater power on the American side; that they had the Lord of all, and General Jackson, and they were never known to be beaten. This was certainly a strong and sure reliance. The American soldier was not mistaken.

In this controversy on the slavery question, with all its collaterals, we have on our side an all-wise and Almighty lawgiver, in His great and irreversible decrees of nature, regulating and controlling the races—His revealed law on Mount Sinai. We have the examples and precepts of Moses, the great and inspired Jewish lawgiver, the patriarchs, and the prophets. We have the instructions and doctrines promulgated by the great and immaculate Savior of the world in his New Testament. We have the admonitions of the Apostles; the experience of all ages and times; the law of nations; the instincts of human nature; the Constitution framed for us by our forefathers who have gone before us; the decisions of all the enlightened courts of the world; the common sense of mankind; and we have the splendid and magnificent progress and developments of our Government during the last seventy-odd years, in its undeviating progress to glory and grandeur.

On the other side, we observe a motley and noisy crew, with fanaticism and folly on their banner; the rights of negroes and the negro race; black spirits and white; metaphysical, intangible, and impracticable theories of higher law, which, when analyzed and applied to the affairs of life, are found to be subversive of the social compact, of law and order, sensual and devilish, leveling, tending to agrarianism, atheism, and infidelity. Traced to its origin, it is proved to proceed from Lucifer, that fallen angel of light, who was thrown over the battlements of high Heaven for his treason and rebellion; the same personage, who again, at another time, in industrious pursuit of his ambitious schemes, audaciously taking the blessed Savior of mankind into an exceeding high mountain, [a fit pulpit and preacher for higher law,] where he proclaimed the higher law from that bold eminence. That great embodiment of human divinity would not recognize his authority, or indorse his foolish efforts. From that day to this, in mountain and in valley, over the sea and across the land, in storm and sunshine, in some plausible garb or other, that same fallen angel has been going through the nations of the earth, turning and overturning, ever threatening the world with mad portents.

This power of evil has its limits; and in the conflict, the greater moral forces on the side of humanity and the fitness of things will succeed. The disembodied spirits of our revolutionary ancestors from every quarter—the guardian and presiding genius of the Constitution—the hopes of mankind—that gospel which teaches peace on earth and good will to men—are all enlisted on our side. This great Government, in its onward march to that greater power and glory, shall not be arrested by the infernal powers of death, hell, fanaticism, higher-lawism, agrarianism, nor atheism in all its mongrel forms. It is the last hope of liberty for all men! Error may have its day; but it is only the carnival of evil and restless spirits. Error may go seven leagues whilst Truth is putting on her boots. Truth has the ballast, whilst Error may have the sails. Truth has the bottom, though Error may have the heels. Great is the power of truth, and it shall prevail. *Fiat justitia ruat cælum.* If error is doomed to prevail, and folly in its great madness is to overturn this great Government, it will go down amid the tears and sorrows of the votaries of liberty everywhere. Sad would be the day to all the nations of the earth, and to none more so than to the sable sons of Africa. May we be permitted to trust that no such calamitous catastrophe will ever be permitted to overtake this beautiful land of ours, ere that awful trump shall wake all the sleeping nations of the dead, and call them to final judgment!

What of the hour now? Portentous and disturbing events are passing in review! The Government in all her elements is rocked to and fro. Disorder and strife are reveling in their mad career. Will it be arrested? And will our guardian angel still protect us from the raging storm? These are now vital and practical questions to every patriot. "Eternal vigilance is the price of liberty." Our northern brethren must be willing to bear and forbear in the same spirit in which

the great compact was formed. Their counsels must be sober and discreet. Let them fully understand that we are not slavery propagandists. We propose no aggressions upon them—we do not urge that negroes should be introduced from abroad. This is adversary to our policy and inclinations. We maintain, under the compact, that, as to all those within our constitutional limits, we are bound to make the best disposition of them we can. If they are an evil, our northern brethren must take them for better or for worse; if they desire the good they must take the bad. We are now embarked in the same great governmental voyage. We have our cargo on board, and the charter-party cannot be changed. The ship must sail with her assorted freight, through storm and sunshine; she must proudly career on the waves of an open sea, to grandeur and power, or she must go down amid the rocks, in tempest and furious blast, with the crew in a state of mutiny. We are copartners with our northern friends, and must manage the enterprise, equally sharing the profit and loss. If we have the worst of the bargain, and useless commodities on board, why taunt us with it, and why deprive us of our fair share of new purchases and discoveries?

Their war upon us is not only unnatural, but against the articles of copartnership. The spirit of 1776, resulting in the establishment of this Government, discountenances their fratricidal assaults. Let a bettter temper prevail, and all may yet be well.

So far as the Territories are concerned, which now occasion scenes of passion and great disorder, we are willing that the people, as much and more interested in its fair settlement than outsiders, shall be the arbiters under the limitations I have suggested. Strife, internal and external, exists in and about "Kansas"—that fated battle-field. Why not let the people there fairly and squarely settle it without fraud or violence from any quarter?

The North, opposed from the start to the Kansas-Nebraska act, which submitted this question to the people of the Territories, has, in a rebellious spirit, and in manifest violation of the law on the statute-book, resorted to violent and disloyal means to prevent the fair operation of the law. Beginning in agitation, determined to nullify its legitimate operation, and right or wrong, to put it at defiance, it has, at length, challenged to combat the Federal authorities. This fell spirit, having its origin in Massachusetts nullification, has developed itself with still more virulence on the soil of Kansas. That effort has been met with counter effort. The nullifiers have been nullified. The fraud has been outwitted. It is but the tragedy of Haman and Mordecai enacted again.

But you say this game of fraud was not fairly played—that the Federal authorities were with your adversaries. If so, they were obliged to be on the side of the law. If they have transcended their powers, turn them out, and elect others. If you cannot do this, *per fas aut nefas*, will you submit; or will you overthrow the Government; or will you attempt it? Then you are really outlaws, traitors, if unsuccessful: if otherwise, you have committed suicide, fratricide, parricide, and the curses of generations unborn will cover your memories, and the torments of the damned will be visited upon your souls as long as there is a just God to uphold his own sovereignty, and an avenger to execute his decrees. The professedly free-State people of Kansas have not petitioned this Government for a redress of any grievances. Had that been done, we were bound to inquire into their complaints. In the place of this, they have defied the Government authorities—have taken the law into their own hands—have set up for themselves—and now come here, forsooth, charged with treason, shaking their "gory locks at us," and very modestly their friends and coadjutors ask us to repudiate our own constitutional authority, to indorse the propriety of their conduct, and, as a premium for moral treason, to admit them into our fellowship! This is not a question of "free soil:" that is a very different thing, and meek in its pretensions compared with this monstrous outrage! It is a case of government or no government—law or no law. It is asking us to legalize treason, rebellion, and revolution!

If the Federal Government had been guilty of oppression through any of its authorities, executive or judicial, we assume that our system is ample to give redress in a regular way. Show me fraud and violence and outrage, whenever and wherever perpetrated, and I will use all legal measures in my power to avenge it. There is enough of this feeling of justice and regard for competent authority, I apprehend, in the country to set right all wrongs, and there is yet no necessity, I hope, for the people anywhere in this country to resort to revolution. It is a burlesque, stigma, a reproach upon our whole system of popular government. The whisky boys of Pennsylvania complained, and Shay's insurrection in Massachusetts caused alarm, but the Government, at the time, was found ample to adjust all their disorder. Shall a handful of men on the borders of Kansas set at defiance all the power of this Government, and be permitted to fill the country with alarm? Are they without ample means of redress; and is the Government to be badgered by a set of factionists, alarmists, and revolutionists? And is she so impotent, that to gratify the Topeka adventurers who have manufactured a constitution amid all these horrors of treason and revolution, that their lawless acts are to be justified, and they admitted into our Union, with hot haste?

If such an example of insubordination is to be commended and indorsed, then our whole system of popular government is but an empty pageant; and the victors, as well as the vanquished, may well and alike deplore its effects. Our days are numbered. Good men are amazed, and may well be paralyzed by the boldness of the demonstration. All our recognized authorities are utterly disregarded. Upon the President down to the most obscure official, one unbroken torrent of insane abuse is poured. Is this clamor against all authority well deserved? Or is it the adroit outcry of "Stop thief!" made by the midnight burglar when exposed? What should the President do that he has not done, and what has he left undone that he could effect? He has conducted himself nobly in his high office, and deserves the thanks of the whole country for his faithful and manly discharge of his duty. What would you have the Federal authority do that has not been done? What do you expect Chief Justice Lecompte and

his associates to do, that has not been done? Are they not obliged to administer the laws as they find them? Are they not obliged to expound the Kansas-Nebraska law as it stands, unrepealed, on the statute-book? Have these officials not sworn, before high Heaven and the face of all men, faithfully to discharge their duty? Would you have them falsify their solemn obligation when outrage stalks abroad in the noonday sun; and when firmness is required, would you have them swerve to lawless clamor? Will you have realized the motto, "*Inter arma leges silent?*" Or will you give them credit for fearless execution of the laws? I wonder if these Topeka constitution-makers took an oath to support your Constitution? Where are the men of Kansas that have sent on to us petitions for a redress of grievances, or even for the adoption of their handiwork, this Topeka constitution—conceived in iniquity, and with rebellion stamped upon its very brow?

For aught that appears, they are men in buckram—in Kansas to-day, gone to-morrow; and if you inaugurate their government, will not you have to issue a search warrant to find them or their famous bantling? Sir, if the occasion were not a most solemn one, this whole proceeding, known as the Topeka transaction, should be characterized as a complete farce, with scarcely enough of the *dramatis personæ*, to furnish characters. After the *dénouement* is over, if the world is not upset by it, no doubt it would afford incidents for a most laughable comedy. The Topeka constitutional convention—the members thereof sitting in the open air on logs and stumps, without ceremony, some in revolutionary robes, some in utter *deshabillé*, debating the affairs of State, and settling the destinies of that infant sovereignty—may Heaven forever forefend us from such miserable trumpery and hoy-de-doy buffoonery! If the President or Chief Justice Lecompte has transcended the limits of his official duties, with criminal intent to oppress the most obscure citizen, why not boldly, and as true patriots, bring up your impeachments? Why snarl at them, when you have the right to make out your bills of indictment? I submit, if it is right, fair, or manly, to assault official authority, and attempt to bring it into disrepute, when you have ample remedy, by putting them on their trial, giving them the power of vindication; and this you decline?

I have said that I believe the President has fearlessly discharged his duty, and the country will so esteem it. I happen to know Judge Lecompte. He is, I doubt not, a fearless, firm, and impartial officer, and I am sure will discharge his high duties faithfully and promptly. I am satisfied, in his responsible station, he will meet all its requirements as the exigencies of the occasion may deserve. He is not the man to be badgered or browbeaten. He is a sound lawyer, and I take it, will so carry himself in his honorable position, as to defy any well-grounded charge of breach of duty. It is abominable to endeavor to tarnish his official standing by mere partisan allegation. I dare say similar testimonials may be borne as to all the territorial judges and officers. They have been nominated by the President, and have undergone the ordeal of the Senate, which is a sufficient guarantee to the country to meet any slurs that political malice may attempt to cast upon them. But, it is said that faith has been broken by the repeal of the Missouri compromise, in the passage of the Nebraska act. That so-called compromise was but a law on the statute-book, enacted by one Congress and repealable by another. You talk of compromises in a mere law, when you are disregarding a whole series of compromises in the original Constitution—the very compact of government. Where in the Missouri law is the covenant that it should not be repealable? The North has never regarded it since its passage, and before its repeal. When Florida was admitted, did not the North oppose her admission? This was long after the passage of the Missouri compromise. The same may be said as to the course of the North as to the admission of Arkansas. No, sir; it is useless to talk of compromises except they are in keeping with the Constitution, and observed by all parties. They are mere cobwebs.

It is said that upon one occasion in the career of Alexander, surnamed the Great, a Thessalian robber was brought before him upon a charge of plundering on the high seas; being asked by Alexander, by what authority he played the free-booter—his reply was, "by the same right that Alexander conquers worlds; but because you overrun whole countries, you are renowned as a great conqueror, but because I command a small shallop, I am called a robber." Alexander dazzled by his boldness—the Thessalian robber outlawed, because of the modesty of his exploits. These Topeka men, because, forsooth, they are constitution-makers, and proclamate themselves as high-souled patriots, are to bewilder by their audacity: when brought down to their proper level as puny violators of the peace of the community, they cease to command our admiration. I have not seen an authentic copy of Judge Lecompte's charge to the grand jury, and therefore cannot say whether he is right, as alleged, in charging them with "high treason;" but I should be inclined to think that their flimsy proceedings could hardly be dignified as treason, *actual* or *constructive*.

It may be that the grand jury—considering that they had confederated with this great emigrant aid society incorporated by the State of Massachusetts, and well supplied with Sharpe's rifles, and assumed dominion and conquest—thought they should be measured by their aspirations. I dare say they will feel more complimented by such a dignified allegation, than to have been simply accused as mere disturbers of the peace. If they should be spared from the clutches of Judge Lecompte, and live to help to make another constitution, they may well consider themselves lucky. It seems to have been settled in the days of our Revolution, that, although revolutions might be resorted to, they were not to be recommended for light causes, and only when all other means of redress had failed, and oppression became intolerable. As long as there was any other legal remedy at hand, it must be resorted to. But it seems we have improved upon that, and revolutions may be got up nowadays as occasion may require. "A tempest in a teapot." Where has there been intolerable oppression in Kansas, and where have all the remedies been resorted to?

Congress has not been petitioned for redress by these Topeka constitution and revolution mongers. The legality of the proceedings of the

Kansas Legislature may be tried before the courts. The much-abused Kansas-Nebraska act, in the twenty-seventh section, provides an appeal from the court in Kansas, from Judge Lecompte's, if you please, to the Supreme Court. You can test the frauds that you say have disturbed you, by bringing the whole subject before the Supreme Court of the United States. This you can do, even under the *habeas corpus* proceeding, recognized by the said section. If, then, there has been fraud, outrage, violence, and if the Legislature itself is unauthorized, and its whole proceedings void, why is not the legal and orderly method, and the only satisfactory one, except the ballot-box, resorted to, in place of revolution, anarchy, and bloodshed? By pursuing this mode, order and regularity in all our proceedings are observed. Because this has not been done, I am right in assuming that the founders of the Topeka constitution are clearly in the wrong, and upon their own heads, with their coadjutors, does all the responsibility rest. I commend them to the sage and comprehensive exposition of the distinguished gentleman from Indiana, [Mr. DUNN,] whose remarks on this branch of the subject are patriotic, high-toned, and impressive.

Sir, it is true that we are living in an age of the world far distant from that rendered illustrious by the gallant and daring deeds of a noble ancestry. The interval has been a progressive one, and knowledge has increased; but we are yet living under the same old Constitution, as it was handed to us by its founders, unchanged in any particular affecting its general structure, and, we trust, competent to any emergency. It is now in our keeping. The Government is not a self-moving machine; it must be regulated by the same high considerations, and administered with that mutual forbearance, which characterized its authors. There is nothing now seriously to disturb us, unless we mean to magnify difficulties.

The slavery question gave our forefathers some trouble in laying the foundations of the Government; but it was wisely adjusted in a spirit of mutual compromise and concession. If we meet our difficulties in the same high and patriotic temper, clouds will pass away, and the rainbow of peace will shine in our political firmament. The pulpit may be desecrated; the effusions of literature perverted; benevolence turned from its natural channel; the Bible ignored; its divinity trampled in the dust, as it was once before, when it was dragged through the streets of Paris tied to the tail of an ass; the age of reason—the higher law—being boldly and shamelessly proclaimed. These are startling developments, but they have their limits; and it is to be hoped that there is still sufficient common sense and common decency and rudimental patriotism left, to keep the country moving on in her high destiny. Mountebanks are necessary evils in every community, it would seem. In our Confederacy, the South may always be relied upon as a *conservative section*. All the wild and fanatical schemes that have their origin in the North find little favor in the southern region.

This may arise from the character of the southern people, or the *status* of their peculiar institutions. Fortunate it is, certainly, that our demon-stricken brethren of the East are saved from the results of their own folly by their best friends at the South. "The fools are not all dead yet;" and in a community like ours we are bound to have variety, disorder, buffoonery, humbug, and clap-trap. I believe it was said by Barnum that the American people might be easily humbugged. The remark is only partially true; some may be—all cannot be. Barnum did not much travel in the South.

Is it not strange, that in that land proverbial for its steady habits—in the frosty regions of the North—so much effervescence, fanaticism, and knight-errantry, in its thousand forms, should prevail, and in the South receive no support. Maine-lawism, Mesmerism, Spiritualism, Higher-lawism, &c., have flourished in the northern section, but have not extensively ravaged the south. On the slavery question the North, or rather the East, is absolutely mad, at least so far as madness is indicated by the chief actors. The South is more reasonable and practical. In the aggregate calculation, however, those who adopt the matter-of-fact philosophy of the South are in a large majority.

The South is a *unit* upon the slavery question; and in the North, public sentiment is nearly balanced; put the whole South and the large minority at the North and West together, and they compose a large majority. Therefore the anti-slavery propagandists are comparatively a small portion of the great community in this country. I hold, therefore, that they can never have a very commanding position. They may, temporarily, by fortuitous causes, obtain a partial ascendency; but their reign is necessarily short-lived. You may, in high party times, raise a heavy outcry upon an alleged violation of some compact; outrages in Kansas or elsewhere may be magnified; all the changes may be rung upon a common assault and battery, occurring at the seat of Government; and so long as human nature remains as it is, you may expect to hear of fights, breaches of the peace, felonies, rapine, murder, and death. These are incidents to all society, in its most approved forms. Man is a strange animal even in a state of grace. These things are to be lamented; but the benefits of Government are not to be discarded because of these occurrences. They have their day, but settle no great principle. The North is not exempt more than the South. The great object of the present outcry at the North seems to be directed towards the accomplishment of a perfect equality between the white and negro races; to put the negro on the platform of the white man, or rather to degrade the white man to the level of the negro. In endeavoring to push this theory, which can never be made to fit, they are guilty of a vast number of absurdities.

For instance, they once had an old law, I believe, in Massachusetts, forbidding the intermarriage of the white and negro races. This was the natural sentiment, prompted by common-sense puritanism. Their modern posterity have undertaken to improve upon this, and that old statute has been considered a relic of barbarism, and swept from the statute-book. Is this the improved Massachusetts refinement? Not at all. It grows out of their reckless haste, from partisan feeling, to show their moral *hardihood*, and should not be quoted, I apprehend, as in-

dicative of the sober sentiment of Massachusetts gallantry, or humanity, on this delicate subject. Such a proceeding is against nature, and the invincible and unmitigated instincts of man; and it requires some other exciting cause to bring up the moral feeling to recognize its possibility. And although they may get their courage to the sticking-point to place this law upon the statute-book, repealing the edict of common-sense, yet they have not yet the boldness to carry it into practice. Therefore it looks like hypocrisy. Their faith is without works, and, according to Scripture, is dead.

Fred Douglass has a fair chance to open his batteries upon them for this. I take it for granted Massachusetts, with all her follies and vagaries, can never be brought, practically, to recognize the equality of the races—to associate upon terms of perfect and equal cordiality with the negro, to marry and intermarry, visit and be visited by them, sit in the same jury-box, at the council board, and in all the various social circles. If that event should ever unfortunately happen to that people, Massachusetts refinement in learning, and in all the embellishments of civilized life, will have sunk into an unfathomable abyss of barbarism. In that condition she would be a stigma to the Union. God forbid that such blighting fanaticism should desolate her fair borders! In the State from which I have the honor to come, so long ago as the year 1715 provision was made to prevent the marriage of a negro, or mulatto, with any white person. That law still stands unrepealed, as evidence of the purity of our venerable ancestry. Massachusetts, in repealing hers, I submit, has furnished no evidence of superior wisdom, or more delicate taste. Again: *De gustibus non est disputandum.* The founders of our Government never for a moment entertained this new-fangled Massachusetts idea of *negro equality.* They were *white men*, and provided a government for *white men and their posterity.* The preamble recites, that "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, and promote the general welfare, and secure the blessings of liberty *to ourselves and our posterity*, do ordain and establish this Constitution for the United States of America." They were *white men*, acting under their forms of government and social institutions as then extant; Massachusetts and Maryland, and doubtless the other States, having the old laws to which I have referred already in force.

Think you that they had the least conception that they were providing and ordaining a government for *negro offspring* when they spoke of *their posterity?* If such an idea had been suggested, it would have been scouted as an insult. Now, forsooth, in this day of Massachusetts refinement, the discovery has been made, that the negro race is worthy to be taken into copartnership; and this great Government, with all its glorious destiny, cannot be carried on without their aid and assistance. Shades of Hancock, Gorham, King, and a host of other revolutionary worthies, frown upon such governmental profanity! And may Heaven, in its mercy, save us from such Godless, Christless, inhuman, and abominable fanaticism, now and in all time to come! Such heresies can never succeed, because they are against the instinctsof human nature, and run counter to all the uncontrollable decrees of fate. The negro race, although human, in all probability, is inferior and subordinate to the white race. This is proved by the experience of all ages, and is one of those physical axioms that needs no demonstration. They were undoubtedly intended to do the drudgery of the white man, and such is the ordination of Providence. Whilst the white man, in the perfection of his nature, must take the proper care of all under him, and adapt them to such purposes as they are most fitted, we must use the world as we find it, and legislate practically upon such physical facts, phenomena, and existences, as we see around us. This is the part of wisdom and common sense. In a social system there are, and must be, various departments and institutions.

The white man, subject to the ordinations of God Almighty, the great lawgiver, is bound to provide for all minor and subordinate creation. The female was made for his help-mate, and must be placed in that condition best adapted to her nature and peculiarities. She is not competent to exercise the duties of manhood—cannot be distinguished in the forum, the council-chamber, or in the chase. Like the placid moon in the solar system, although in an inferior orbit, and reflecting light, soft and serene, she shines in her own proper sphere, and gently contributes luster to the great social system. Transform her, change her position, and she becomes a fiery comet, creating terror and consternation. God forbid that any modern reform should be permitted to degrade her, and assign her any other place, than a graceful and refined one! She may be permitted so far as propriety will allow, to exercise all those excusable—nay, commendable arts pertaining to refined petticoat government, and to that we will acknowledge our full allegiance. If she go beyond that, rebellion and revolution will be the direful result.

So with children, in their minority. They, like lesser stars, must be subordinate; and if they do not properly conduct themselves, the responsibility must be taken of following Solomon's precepts on this subject, which will, probably, be found to be a necessary discipline occasionally, through all time. I wonder if this old-fashioned, scriptural, and patriarchal dispensation, has been exploded by the modern refinements of Massachusetts spiritualism! Or will they continue it as a part of their social economy, suffering the rod to be used upon children when beneficial to them, but exempt the poor negro, who is always in a state of pupilage? You will also find in social life a large class of persons, adults of feeble intellect, *non compotes mentes*, incapable from mental imbecility of taking care of themselves. These must be provided for. Would Massachusetts philanthropy open the doors of all their lunatic asylums, and turn out upon the world the unfortunate madmen, because, forsooth, they are in fact deprived of their freedom? She may demand, who is authorized to pronounce them fools? That may be a gross assumption. A madman once confined in an asylum was asked by a strange visitor, why he was thus placed under duress. His *transcendental* reply was, that it arose from a difference of opinion—that all the world thought he was crazy, whilst, on the contrary, he took it

that all the world was crazy; but being in an awful minority himself, and the world having the greater power, they had, by force of mere brute numbers, placed him in that condition. How do you find the negro here and elsewhere, and what is the instinctive impression as to his proper destiny? Feeble in intellectual power, with great physical endurance, and, so far as we have all history to teach us lessons, utterly incapable of providing for himself. What is the duty enjoined as to him? Provide for him—make him comfortable according to his capacity. Let him be employed in useful work, contributing to his own improvement, and at the same time to all around him. Experience proves that, if you turn him out, he will soon destroy himself; and if those properly chargeable with his custody suffer him to become miserable and squalid, a fearful responsibility rests upon them. My own State, a long time ago, acting upon humane and rational views, provided by statute for the comfort and management of the negro, and its wise legislation still stands and operates. Her statute, passed in the year 1715, provides:

"That if any master or mistress of any servant whatsoever, shall deny, or not provide, sufficient meat, drink, lodging, or clothing—or shall unreasonably burden them beyond their strength with labor, or debar them of their necessary rest and sleep, or excessively beat and abuse them, or shall give them above ten lashes for any one offense, they shall be fined in the discretion of the court not exceeding one thousand pounds of tobacco; and for a third offense, the said servant shall be freed."

Such is the humanity of our system upon this subject. Parents too, in that State, are allowed to administer reasonable chastisement upon their children, not having abolished the old patriarchal custom. A few madmen are confined in proper asylums. The fairer and better portion of creation are allowed to stay at home and take charge of their household affairs, and are idolized and worshiped. They are not permitted to turn traveling politicians and political propagandists of any sort. We bow at their domestic shrine, and submit with due humility and gallantry to be governed by them within certain conventional but well-defined limitations. Under this antiquated system, it may be, we are comparatively happy and contented. All classes, male and female, parent and child, guardian and ward, master and apprentice, master and servant, are reasonably comfortable, and we are not, like Rasselas in the happy valley, discontented with our lot. If these old and established usages are suffered to remain to us, and we are not annoyed by officious intermeddlers, we stand up manfully for the compact of government—we hold to the bond of union, for we are a loyal people.

This may be our simplicity, but we go for the greatest good to the greatest number—for law, order, parental and diversified social government; opposed to ultraism; in favor of natural and sensible progressive improvement and amelioration in all things. We are not yet prepared to adopt all your extreme and unfledged theories—Mainelawism, Mormonism, Spiritualism, Fourierism, Fanny Wrightism, Agrarianism, Fanaticism, and the thousand other nameless heresies and humbugs that political upstarts may press upon our attention. We are content, so long as we are able to follow the ten commandments; and our ministers of the various denominations (for we are not sectarians—Catholic and Protesant have an equality of privilege from time almost immemorial) confine themselves to their appropriate duties; and religion, pure and undefiled before God and man, is proclaimed; and we witness under its benign influence, thousands of good Christians of all classes on their road to Heaven—masters and servants, in the same category, each in his proper element. We are satisfied that such institutions and customs, with slavery in their midst, have done more, and are still doing more, to evangelize the benighted African, than the false philanthropy and all the missionary societies of the North, from the foundation of the world to the present time.

The North, it may be, being better adapted for other systems, has wisely transferred her slavery to her southern brethren, and by turning the products of slave labor to the best account in her manufacturing establishments, has grown great, powerful, and wealthy, whilst the South has its advantage in the agricultural and planting pursuits. Properly speaking, the slavery institution of the South is but that servitude under the great and necessary law of society, practically working up its materials to the best advantage, and essentially preservative of the best interests of all classes and races. Under the diversified social system, wisely adjusted at home, and under a great parental government, all sections have enjoyed unexampled prosperity, because each separate community has been allowed, in regulating its institutions, to adapt them to the climate and their natural capability. Under our laws as they now stand, no more slaves can be introduced from abroad. Whether this system of prohibition is judicious or otherwise, all agree to stand to that policy. In the Constitution, Congress was restricted in the passage of any law to prohibit their importation before the year 1808. To that extent, the framers of the Constitution invited and encouraged an increase of slaves. The power, however, was reserved to each State, as it might think fit, to prohibit their introduction. The State of Maryland had thought proper, by her act of 1783, before the adoption of the Constitution, to prohibit the further introduction.

This had also been the policy of the State of Virginia. After the adoption of the Constitution, Maryland, by her act of 1792, in a spirit of benevolence, provided that the refugees from the troubles in St. Domingo, who had come into the State with their slaves, should be entitled to hold them. The State, again, by the act of 1796, reaffirmed the act of 1783, thus maintaining the policy of non-importation, although fully entitled to import under the Constitution, which had been recently adopted in 1789. The views of Maryland, Virginia, and other southern States, upon this subject, could not be universally carried out, by reason of the privilege conceded to such as chose to avail themselves of it under the Constitution. This result was forced upon Maryland by the eastern States, in part. Those States, if no restriction on navigation acts was imposed upon them by the authorities, were very ready to indulge any who desired an increase in the number of their slaves; and by their aid and essential cooperation, the ninth section of the first article was adopted, expressly against the remonstrances of the State of Maryland. The celebrated Luther Martin, of that State, who was a member of the

general convention, with gigantic powers of intellect, (and no more accomplished jurist ever flourished in this or any other country,) in his explanations of the proceedings of the convention to his own State, upon this very subject, to be found in the first volume of Elliot's Debates, page 372, says:

"The design of this clause is to prevent the General Government from prohibiting the importation of slaves. This clause was the subject of a great diversity of opinion in the convention. A committee of one member from each State was chosen by ballot, to take this part of the system under their consideration. To this committee was also referred the following proposition: 'No navigation act shall be passed without the assent of two thirds of the members present in each House;' a proposition which the staple and commercial States were solicitous to retain, lest their commerce should be placed too much under the control of the eastern States, but which these last States were as anxious to reject. This committee, of which I had also the honor to be a member, met and took under consideration the subjects committed to them. I found the eastern States, notwithstanding *their aversion to slavery*, were very willing to indulge the southern States, at least with a temporary liberty to prosecute the slave trade, provided the southern States would in their turn gratify *them*, by laying no restriction on navigation acts; and, after a very little time, the committee, by a great majority, agreed on a report by which the General Government was to be prohibited from preventing the importation of slaves for a limited time, and the restrictive clause relative to the navigation act was to be omitted. You will perceive, sir, that the General Government is prohibited from interposing in the slave trade before the year 1808, but that there is no provision in the Constitution that it shall afterwards be prohibited, nor any security that such prohibition will ever take place."

This is made a matter of complaint to the people of Maryland, against the action of the eastern States, of which Massachusetts was then, as now, the head.

George Mason, also, one of the most eminent delegates to the constitutional convention, from the State of Virginia, made a strong appeal against the adoption of this clause. He said:

"This is a fatal section, which has created more dangers than any other. The first clause allows the importation of slaves for twenty years. Under the royal Government this evil was looked upon as a great oppression, and many attempts were made to prevent it, but the interest of the African merchants prevented its prohibition. No sooner did the Revolution take place than it was thought of. Its exclusion has been a principal object of this State, and most of the States of this Union; yet, by this Constitution, it is continued for twenty years."

And he further goes on to say: "That the fifth article, providing for amendments, expressly excepts this article." So that "they have done what they ought not to have done, and left undone what they ought to have done.—(3 Elliot, 452-'3.) And amongst the objections he assigned for not signing the Constitution, was, that the general Legislature is restrained from prohibiting the importation of slaves for twenty years.—(Elliot, vol. 1., 496.)

Here were objections urged and relied upon, by these learned, patriotic, and distinguished men from Virginia and Maryland; but it availed not against the interests and inclinations of the men of the East, by whose votes the section was carried. In the proceedings in the East, preparatory to the final assent to the Constitution, or to its rejection, many alterations and amendments were suggested. I have not been able to discover that any formal and distinct objection was ever made to this clause, in the way of amendment. The whole people at home fully indorsed the action of their delegates. The State of Massachusetts, in particular, made very grave objections at that time, to the adoption of the Federal Constitution, but they were on other grounds, as her debates will show. The noble patriotism of her illustrious sons of that day was enabled to surmount all these objections; and by a close vote, the Constitution was at last adopted.

Before putting the vote, the immortal John Hancock, amongst other noble sentiments, thus eloquently remarked:

"That a general system of government is indispensably necessary to save our country from ruin, is agreed upon all sides; that the one now to be decided upon has its defects, all agree; but when we consider the variety of interests, and the different habits of the men it is intended for, it would be very singular to have an entire union of sentiment respecting it. The question now before you is such as no nation on earth, without the limits of America, has ever had the privilege of deciding upon."

These are considerations which I beg to commend, in all their comprehensive force and bearing, to his descendants. He then put the question, whether the convention will accept the report of the committee, as follows:

"The convention having impartially discussed and fully considered the Constitution of the United States of America, reported to Congress by the convention of delegates from the United States of America, and submitted to us by a resolution of the general court of the said commonwealth, and acknowledging with grateful hearts the goodness of the Supreme Ruler of the Universe, in affording the people of the United States, in the course of his providence, an opportunity, deliberately and peaceably, without fraud or suspicion, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new Constitution, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity—do, in the name and behalf of the people of the commonwealth of Massachusetts, assent to and ratify the said Constitution for the United States of America."

Then follow recommendations of certain alterations and provisions, as proposed amendments, in none of which is any reference made to this ninth section. The vote in the Massachusetts Convention was—yeas one hundred and eighty-seven, nays one hundred and sixty-eight; of her thirteen counties eight were for it and five against it. In Suffolk county the vote was—yeas thirty-four, nays five; Essex, yeas thirty-eight, nays six; Middlesex, yeas seventeen, nays twenty-five; Hampshire, yeas thirty-three, nays nineteen; Plymouth, yeas twenty-two, nays six; Barnstable, yeas seven, nays two; Bristol, yeas ten, nays twelve; York, yeas six, nays eleven; Duke, yeas two; Worcester, yeas eight, nays forty-three; Cumberland, yeas ten, nays three; Lincoln, yeas nine, nays seven; Berkshire, yeas six, nays sixteen. On the motion for ratification being carried and declared in the affirmative, observe how nobly the sons of Massachusetts of that day acquiesced in the settlement. Mr. White arose and said:

"Notwithstanding he had opposed the adoption of the Constitution, upon the idea that it would endanger the liberties of the country, yet, as a majority had seen fit to adopt it, he should use his utmost exertions to induce his constituents to live in peace under, and cheerfully submit to it."

Mr. Widgery said:

"He should return to his constituents, and inform them that he had opposed the adoption of the Constitution, but that he had been overruled, and that it had been carried by a majority of wise and understanding men."

Mr. Whiting said:

"That, although he had been opposed to the Constitution, he should support it as much as if he had voted for it."

Mr. Cooly said:

"He endeavored to govern himself by the principles of reason; and that, as the Constitution had been agreed to by a majority, he should endeavor to convince his constituents of the propriety of its adoption."

Dr. Taylor also said:

"He had uniformly opposed the Constitution; that he found himself fairly beaten, and expressed his determination to go home, and endeavor to infuse a spirit of harmony and love amongst the people."

Other gentlemen who had opposed it took similar patriotic ground. In all these proceedings and high-toned annunciations of broad patriotism, no war was declared against this ninth section, or any other clause of the Constitution, bearing upon the subject of slavery. This, they knew, was a delicate subject, and not to be trifled with, and, like many others, was to be adjusted upon principles of forbearance. They also were well aware upon what terms it had been settled; and they certainly knew, that upon no earthly ground could they justly accuse their southern brethren for any possible augmentation of the slave interest, when they were aiding and assisting, through desire to promote their own interests, in its introduction and perpetuation. If the same sentiments animated the men of Massachusetts of the present day, would they enact personal liberty bills? Would they oppose the fugitive slave law? Would they charter emigrant aid societies to carry war, bloodshed, anarchy, and revolution into a virgin Territory? Would they nullify a Constitution which their forefathers so nobly agreed to stand by? Let them be admonished that the great charter of our liberties can only be preserved and perpetuated under the same high and elevated principles of concession and forbearance.

The very same Government, and no other, founded and established by the men of the Revolution, North, South, East, and what there then was of the West, still demands our allegiance. Such as it is, through weal or woe, (and it has been all weal, and but little woe,) it should command our best affections. He who is not willing to abide by its provisions, and maintain all its guarantees, in good faith, and cultivate an abiding sentiment of loyalty for its majestic proportions, has already committed moral treason. Under its comprehensive clauses, if slavery, as then and now recognized, is part and parcel of it, and of its very essence, still it must be executed in good faith, promptly and unreservedly. So far as negro slavery is referred to and defined by it, the African race within its limits, and throughout its length, breadth, and expansibility, are forever deprived of *political* rights. They were not parties to it. It was not founded and established to give them any civil franchises. It was created by white men, and for white men, and the posterity of white men. No negro blood—no negro taint affects its vitalizing elements—no amalgamation, nor equality of the white and black races, for a moment sanctioned or upheld it. It is composed of delegated powers, to be used by white men; and such power as was not transferred, is retained by the States, or the people—the white people.

The immortal Father of his Country, and who was president of the constitutional convention, in communicating to Congress the Constitution which had been adopted, in language breathing the same spirit which animated John Hancock, to which I have adverted, said:

"It is obviously impracticable, in the Federal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the safety and interests of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be obtained. It is, at all times, difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference, amongst the several States, as to their situation, extent, habits, and particular interests; and thus the Constitution, which we now present, is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable."—1 *Elliot*, 17.

This great compact—our Federal Magna Charta — is the towering fortress of our national strength. It is the organ of our foreign intercourse, and between the States. As to the first, its powers are ample and undisputed; but in its application to domestic questions and interests controversies may arise. In their determination the Constitution must be the text-book. The people of the States, in constituting the General Government, gave her ample federative powers, merely for the joint purposes of Union—reserving all the rest. No authority is then to be exercised unless specifically granted, or arising by necessary implication. The employment of doubtful power is necessarily excluded. The people of the several States are coequal sovereignties. New States, as they may come into line, must stand upon the same basis. No power is given to restrict one more than another. None can be restrained, except in those matters expressly provided for, and equally applicable to all. It cannot fail to have been observed how cautious the founders were, not only to discriminate between powers delegated or prohibited to the States and those reserved, but also as to the enumeration of rights; therefore two distinct articles, in the way of amendment, were inserted, to wit:

"ART. 9. The enumeration in the Constitution of *certain rights* shall not be construed to deny or discharge others retained by the people.

"ART. 10. The *powers* not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States *respectively*, or to the people."

Both of these articles afford the most conclusive evidence of the design of the Constitution to restrict the General Government, and to prevent an encroachment upon the *rights* and *powers* of the respective States, or the people.

Where now do you find the men, in these troublous times, to maintain and stand by the doctrines of the fathers, and to uphold the Constitution, and the settled, fixed, and vested rights of all interests, and all sections, North, South, East, or West? In reviewing calmly, but firmly and dispassionately, the diversified organizations that contend for ascendency, where is the constitutional and conservative party? Can but one answer be given fairly to this inquiry? It is the great Democratic organization, which stands upon the same platform throughout the broad expanse of this country. Amid the frosty regions of the North, through the various climatic degrees of parallel, to the sunny South—from the stormy Atlantic to the golden shores of the Pacific—on mountain top, and in the deep recesses of the

valley—in town and country—in the magnificent domicil of the opulent, or in the hamlet of the poor—in the council chamber, or the workshop—over land and sea—amongst all classes and climes, and through all weathers, storm and sunshine, the pulsations of the Democratic heart beat in perfect unison. Its votaries everywhere nobly keep step to the music of the Union, stand up for the Constitution, for law, well-regulated liberty, and the defined rights of man, although opposed by diversified foes of every shade, grade, and hue, with doubtful characteristics, and of questionable shapes.

Foremost amongst its adversaries we see a motley assortment of the most discordant elements, bearing aloft on their standard the black flag of anarchy and disunion, fanaticism, agrarianism, higher-lawism, and other abominable monstrosities, that no sensible man can define. The great Democratic legions, a most noble host, with the glorious flag of the Union, the stars and the stripes, floating to the four winds—an invincible army with banners—will rout the conglomerated, heterogeneous, and discordant hosts of all opposition. How are the forces marshaled? Let us begin at the *minimum* and end at the *maximum*. Here comes, first, Gerrit Smith, (Smith is his true name, I believe, and he is not a shifty member of the universal Smith family, probably;) from the Empire State, a radical, pure, and unadulterated Abolitionist. His followers and admirers make no bones in declaring their creed to be the universal abolition of negro slavery everywhere, maintaining their right to do so in perfect accord with the doctrines of the Constitution, and law and order. This, to say the least of it, is bold and manly; but I suppose such a concern can never rise high in the scale of parties. Their dogmas are too essentially absurd and preposterous ever to command much position.

Next in order, we have a rear-admiral, a hero of the sea, going strong upon the restoration of the Missouri compromise, and threatening and breathing war and vengeance if his notions do not prevail. Being rather too much of a Hotspur, with but one State, and that only in part, to back him, I think it likely his old fogyism upon the subject of the Missouri compromise, nor his uncommon vehemence, will aid him in getting strongly on the track. He will probably break down in the training, and we shall not be long troubled with him.

Then comes the redoubtable Colonel Frémont, a squatter hero and mountain adventurer—an inexperienced statesman—a mere political bantling, only remarkable for his dashing eccentricities, well adapted for romantic exploits in *terra incognita*, threading mountain passes and deep gorges; having indomitable energy and hearty good will, he can live as long on air as any other man, and therefore the breeze that now has struck him no doubt is quite an agreeable incident in his destiny. Without experience as a statesman, with no administrative talents to recommend him, he may well be brought forward as the champion of the Black Republicans. Backed by all their strength, with such additional force as may be picked up by bolting and selfish Know Nothingism, in its nightfall of power and decay, he goes it strong on the single idea of "*no more slave States.*" With the wild materials that compose his army it will probably be a close race between him and ex-President Fillmore, who comes up as the fourth candidate in order.

Fillmore has had the advantage of having seen some service at home, and has probably improved himself by travels abroad—has seen what is to be seen in western Europe—made a pilgrimage to Rome, that classic land—mingled with the Pope, as well as other dignitaries, and has an *air* of *nationality* about him. He is generally backed by the orthodox (so-called) Americans, has accepted their nomination, and his special friends are making great efforts to bring into their disastrous embrace the remnant of old conservative Henry Clay Whigs, whose chivalric party they have, however, formally denounced. With all these fortuitous atoms thrown into combination, still their only hope is to be able to throw the election of President into Congress. From such a Congress, as an electoral college, may Heaven forever defend us! This I take it, is the height of their ambition. If they can get it there, they seem to be willing to trust to sheer luck. The late election of Speaker, after an unprecedented struggle, may well show where the luck will terminate. His supporters will be disappointed even in this calculation.

Fifthly, and the *maximum*, steps upon the noble platform of the great conservative and constitutional party, Pennsylvania's favorite son—James Buchanan—every inch a man, with genuine nationality and whole-souled conservatism in every movement. Not put up before—now the very spirit for the times, as if providentially reserved for this critical occasion; a link between the revolutionary age and the present times; a cotemporary of Jackson and of Polk; cautious, conservative, firm, and manly; sternly imbued in his whole temperament with the spirit of the Constitution and the Union, with large experience in all national affairs, purified by long and illustrious service in all the prominent posts of the Government, State and national, at home and in her embassies abroad; with world-wide renown as a patriot, statesman, and honest man—he comes breathing the pure atmosphere of the Keystone State—a most worthy and just compliment to that patriotic Commonwealth, rich in internal resource, moral power, and Democratic grandeur. He has always borne himself in his high estate as a true man. No charge can justly be made against his rigid virtues, public or private. His friends may well bid defiance to all assaults. The very personified embodiment of manly Democracy, and worthy representative of its unspotted patriotism—the sage of Wheatland; the youthful soldier, who marched, in the adolescence of his career, to the assistance of a neighboring city, whose monumental towers were threatened by a foreign foe—the profound civilian. From his unexceptionable temperament, can any one who knows him fail to be inspired with the kindest regard and the most profound affection for him? Unambitious, unobtrusive, with all the characteristics of a philosophical statesman—telegraphed, it is reported, during one of our recent hot days, as quietly reposing under the green shade of one of his time-honored trees, with coat off, in *deshabillé*, leisurely and cozily enjoying the fumes of the tranquilizing weed.

Under the lead and counsels of such a staid

patriot and conservative statesman, all sections may well feel safe. The whole country will look upon his success as the harbinger of peace, order, and good government—the full and vigorous execution of all the duties of the presidential station upon the most elevated national grounds, knowing no North, South, East, or West, with the same great flag of union waving equally and securely over all.

Pennsylvania may well be proud of her son and her position, under such circumstances, and can congratulate herself, indeed, as furnishing the key-stone of our most noble arch.

Amid storm and tempest, when rockets flew fast, Maryland's immortal bard, from the war-ship of the enemy, where he was obliged to loiter, penned that imperishable effusion, "The Star-spangled Banner." As he looked from his gloomy quarters surrounded by the enemy, with despondency shaking its cold glances around and about him, he saw the American flag as it floated still high in the breeze, and with the undying impulse of a patriot's heart inspiring his soul, exclaimed:

"The star-spangled banner! oh, long may it wave
O'er the land of the free and the home of the brave!"

So may we, in this time of dread and consternation, when the enemies of the Constitution and the Union have well nigh taken one half of the Capitol, feel cheering gratulation that our full flag still floats over us, undimed and unobscured; that our platform is the Constitution, securing to all well-regulated liberty; that our standard-bearers, before high heaven and all earth, hold up that national ensign, the "star-spangled banner," with all the stars and stripes emblazoned upon its ample folds. So long as that waves over sea and land, the rights of all, law, order, and the Constitution, must prevail.

Upon such a platform, under such a banner, and with such a standard-bearer, our noble and gallant army—the Democratic rank and file—aided and assisted, too, by all the conservative men in the country, will rout the combined forces of the Opposition. The watchman and patriot, as he observes the passing movements, and notes the signs in the political sky, will announce that "all is well." God grant that we may be saved from anarchy and ruin, and that this prophecy may be realized!